




THE ENTRANCE OF BRAZIL
INTO THE UNITED NATIONS

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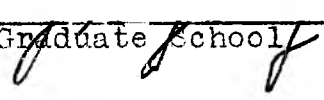
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CHAPTER I

ENTRANCE OF BRAZIL INTO INTERNATIONAL RELATIONS

Introduction

The Charter of the United Nations, signed at San Francisco on June 26, 1945, by the representatives of fifty nations, included as original members all twenty of the Latin American republics.¹ The participation en masse of the Latin American states in the San Francisco Conference and their subsequent adherence to the charter emphasized the increasingly active and important role these states have assumed in international relations and organization. Their part in international life is no longer passive, as was the case even at the beginning of the present century; and "some of them will expect, and may have the power, to play a far greater part in world affairs than heretofore."²

Of these states, Brazil has played a most active and interesting role in international affairs. By pursuing

¹Charter of the United Nations, Article 110; also see M. Goodrich and E. Hambro, Charter of the United Nations--Commentary and Documents (Boston: World Peace Foundation, 1946), p. 299.

²R. A. Humphreys, The Evolution of Modern Latin America (New York: Oxford University Press, 1946), p. 148.

a policy based on the theoretical concept of the sovereign equality of states, Brazil assumed a leading role at the second Hague Conference in 1907. In World War I Brazil took the lead among the Latin American Countries by being the first to declare war on Germany. With this move Brazil broke away from the Argentina-Brazil-Chile combination, "placing itself in a position as political leader in South America, affiliated with the United States of North America."³ Continuing the role as self-styled (and generally accepted) political leader of the South American Republics, Brazil was given a prominent role in the organization of the League of Nations, especially insofar as the organization of the Permanent Court of International Justice was concerned. In 1926 Brazil withdrew from the League, however, in protest over her failure to obtain a permanent seat on the Council.

Becoming a sponsor of hemispheric solidarity and friendship towards the United States, Brazil's attentions were turned from Geneva to "good neighbor" cooperation and to the "nova diplomacia brasileira" initiated by Getulio Vargas after the Revolution of 1930.

Brazil contributed substantially to the Allied cause before and during World War II. Once again assuming the lead

³Warren H. Kelchner, Latin American Relations with the League of Nations (Boston: World Peace Foundation, 1930), p. 21.

by uniting firmly with the United States in the war effort, Brazil also remained a strong partner and supporter of the Inter-American movement. In fact, Brazil even served as an unofficial mediator in some of the differences which arose between Argentina and the United States in the Inter-American conferences before the war and after the Allied victory.

In the discussions for an international organization at the inter-American conference held at Mexico City in 1945, Brazil protested against the "big power" predominance in the proposed Security Council,⁴ but her traditional "equality of sovereign states" policy was softened by the fact that Brazil herself desired a permanent place among the big nations. Brazil announced at Mexico City that she might plead her case for a permanent seat on the Security Council of the United Nations, as a representative of Latin American thought.⁵

Again the family of nations excluded Brazil from great power status and only the "big five" of World War II were given permanent seats on the Security Council of the United Nations Organization.⁶ Brazil made no demands, as she had done in the Council Crisis of 1926, but accepted

⁴Relatorio da Delegacao do Brasil a Conferencia Inter-americano sobre Problemas da Guerra e da Paz--Mexico, 1945.
"Observacoes da Delegacao do Brasil sobre o plano de Dumbarton Oaks," pp. 63-68.

⁵New York Times, February 11, 1945, p. 19.

⁶Charter of the United Nations, Article 23.

her election to a non-permanent seat in accordance with the "realistic" conception of power which prevails among nations at the present time.

The importance of Brazil in world affairs is increasing, and the factors which have and are influencing this rise in power are indeed interesting and worthy of close examination. Perhaps, if viewed in historical perspective, Brazil's twice rejected bid for great power status among the family of nations would seem less out of proportion to reality. However, Brazil is demonstrating through her "nova diplomacia" and active participation in the United Nations Organization as a "middle power" that she better understands great power concepts in a world of reality. She no longer clings to past prestige or the sovereign equality of states, or even regional representation, as criteria for gaining a predominant place in world organization.

It is proposed in this work to examine the forces and actions which have gained for Brazil the place in the United Nations which she now occupies, and to view some of the main contributions which Brazil has made to the theoretical basis and organizational structure of international organization during the twentieth century.

From Monarchy to Empire

Roots motivating Brazil's participation in

international affairs during the twentieth century extend back to the years when John VI of Portugal, driven from Europe by Napoleon in 1807, established his court on Brazilian soil.⁷ In 1815 Brazil was proclaimed a kingdom and placed upon the same constitutional basis as Portugal; so while the other countries of South America were still colonies, or at the most viceroyalties, Brazil functioned with all the majesty and maturity of a full-fledged European power, often shoulder to shoulder with Britain, France, and Spain.⁸

At this early date Brazil revolted at a reduction in her international status. In 1822, upon his return to Portugal, John VI reduced the status of Brazil to that of a colony, at which she promptly revolted. Becoming an empire in her own right, Brazil enjoyed much prestige with the European monarchies, especially during the long and peaceful reign of Dom Pedro II, who was a blood relative of the principal royal families of Europe;⁹ his father, Dom Pedro I, was from the House of Braganca, the royal family of Portugal,

⁷An interesting and detailed discussion of the historical factors which motivated and shaped Brazilian diplomacy is given by Mario de Vasconcellos, Motives da Historia Diplomatica do Brasil (Rio de Janeiro: Imprensa Nacional, 1930).

⁸Henry A. Phillips, Brazil; Bulwork of Inter-American Relations (New York: Hastings House, 1945), p. 4.

⁹Heitor Lyra, "Europe and the South American Neighbors," Brazil, ed. by Lawrence F. Hill ("The United Nations Series;" Berkeley: University of California Press, 1947), p. 325.

and his mother from the House of Hapsburg, the imperial family of Austria.

Brazil Becomes a Republic

Brazil's greatest break with the tradition and ties of the past came in 1889, when a bloodless revolution converted the Empire of Brazil into the Republic of the United States of Brazil. This step presented the first real test for Brazil in her efforts to gain a place of significance in the family of nations on her own merit, both in America and in Europe.

The American republics, with the exception of the United States, quickly established relations with the new government in Rio de Janeiro,¹⁰ but the European powers developed an attitude of watchful waiting until after the reestablishment of de jure government in Brazil.¹¹

¹⁰A delay in formal recognition was deemed necessary by the President of the United States as a wise precaution in view of the fact that premature recognition might succeed only in strengthening a military despotism. Further detailed discussion of the delay in formal recognition of the Republic of Brazil by the United States is to be found in an article by James Fred Rippey, "The United States and the Establishment of the Republic of Brasil," Southwestern Political Science Quarterly, III (June, 1922), pp. 1-14.

¹¹Heitor Lyra, op. cit., p. 327.

CHAPTER II

PARTICIPATION OF BRAZIL IN THE SECOND HAGUE CONVENTION

Brazil's real entrance into world politics as a republic came in 1907 when she accepted, along with seventeen other Latin American republics, an invitation to the Second International Peace Conference held at The Hague. Owing to a weakened internal condition resulting from years of revolution and economic difficulties, Brazil had declined the invitation to the first Hague Conference in 1899.¹ However, one of her most eminent statesmen, Ruy Barbosa,

¹The only American states to attend the first Hague Conference were Mexico and the United States. Brazil was accredited to Petrograd and was invited. In a note of the Brazilian government dated January 27, 1889, the following reasons are given for declining the invitation: "The crisis through which Brazil has passed in recent years and which have greatly weakened her are too well known to need more than mention here; both our naval and our land forces have been greatly reduced and our financial condition is one of suffering.

Accordingly, the only thought of the new administration is to reorganize our military forces in order to preserve peace. This is why my government would not care to obligate itself to maintain the military status quo. Brazil, like Russia at an historical moment, is occupying herself with regaining strength and desires to stand apart when possible from questions which do not touch her directly. Moreover, in view of her great distance and her lack of influence in the political affairs of Europe, her role in the conferences would be of no importance." (Relatorio apresentado ao Presidente da Republica dos Estados Unidos do Brasil pelo Ministro de estado das relacoes exteriores, 1899, annex 1, p. 74.)

The above note is quoted in James Brown Scott (ed.), The Hague Conventions and Declarations of 1889 and 1907 (New York: Oxford University Press, 1921), Intro. p. vi ff.

was sent as a delegate to the Second Hague Conference. He played a leading role, distinguishing himself "especially by his defense of the principle of juridical equality of all states."² At this conference Brazil demonstrated that she still wanted to be treated as an equal in international organizations, but her only weapon to combat the opposition of the Great Powers to this idea was an appeal based on the moral force of international law.

The theoretical nature of the discussion concerning the organization of a permanent world court allowed Brazil to take a firm stand against great power predominance in the proposed juridical body. Opposing the joint plan submitted by the Delegations of Germany, the United States, and Great Britain, which gave a permanent seat on the court to eight Great Powers and rotated the nine remaining seats among the smaller nations,³ Ruy Barbosa made the following declaration:

With extreme interest the Brazilian Government followed the question of the allotment of seats in the proposed court...ever since its solution through the system of rotation in the composition of the International Court of Arbitration has been announced. It is a system which would be the proclamation of the

²Heitor Lyra, op. cit., p. 338.

³For the text of this proposal see Annex 83 of James Brown Scott (ed.), The Proceedings of the Hague Peace Conferences (New York: Oxford University Press, 1921), Vol. II, p. 1019-1023. Henceforth this work will be cited as Proceedings of the Hague Peace Conferences.

inequality of national sovereignties by the very nations which it degrades; and our Government, regretting to see these rumors confirmed, has given us the most formal instructions to oppose it by not subscribing to any combination which may not rest on the equality between the States. It believes that, in agreement with this principle, it would be much easier to reach a practical result without having recourse to the complicated and artificial apparatus of the project under discussion, which, beginning with an arbitrary idea, does not even observe justice in its application.⁴

Stating that public opinion in Brazil as manifested through telegrams and the press would not permit the Brazilian delegation to take any other attitude than that based on the equality of states, Senhor Ruy Barbosa introduced a number of bases for another project with the following words:

It must be stated that our judgment and our deliberations have been reached in advance of this movement which takes a pronounced form in the daily press of our nation.

It is, therefore, in obedience to our own conviction, in obedience to the orders of our Government and to the expressed feeling of our country that we are going to formulate in your presence these declarations and to submit to you, in favor of the principle of the equality of States consecrated in the Convention: of 1899, a number of bases for another project.⁵

Thus Brazil launched a boomerang in the Hague Conference which was to return and knock her out of the League Council in 1926. However, since the Hague Peace Conference

⁴Proceedings of the Hague Peace Conferences, Vol. II, p. 619.

⁵Ibid. For text of the Proposal of the Delegation of Brazil, see Appendix I.

was concerned with theoretical principles, it was not difficult for Brazil's eminent representative "to secure acceptance for a principle that all recognized and still recognize as unassailable from the purely theoretical standpoint of international law, namely the principle of the juridical equality of all states."⁶

Assuming the lead in the battle for the smaller powers to attain equality, Barbosa championed the cause of the Latin American states by the challenge that "if Europe and the United States itself were better acquainted with our continent, no attempt would be made to inflict this grave injustice upon nations with a future before them and already remarkable because of the progress they have achieved."⁷ He further declared that "Brazil as a sovereign state and in that respect the equal of any other sovereign state, no matter what its importance be, aspires only to a place in the arbitration court equal to that of the greatest or the humblest state in the world."⁸

Returning momentarily to the world of reality, the Brazilian delegate alluded to the superior position of Brazil

⁶Jose Carlos de Macedo Soares, Brasil and the League of Nations (Paris: A. Pedone, 1928), p. 139.

⁷Proceedings of the Hague Peace Conferences, Vol. II, p. 646.

⁸Ibid.

over many of the states represented at the conference. However, the Brazilian "conscience" was not satisfied with a fusion of reality with the theoretical, as can be concluded by the following:

Our attention has frequently been called to the material inequalities between the different States whose cause we have associated with ours. We had not forgotten these differences. But they did not reach within the field of law. With the present population of 25,000,000 souls and a territory embracing nearly one-half of South America, Brazil might indeed protest the inequality of a division comparing it with other States, American or European, greatly inferior to Brazil in territory, in population and in wealth. And Brazil did protest. But this protest did not satisfy our conscience which was aroused by the evidence of a superior principle within whose domain there are neither great nor small States.⁹

Brazil emerged victorious from the Hague Conference of 1907 insofar as her stand on the equality of states was concerned. Her delegate opposed the rotation and election plan so completely that the First Delegate from the United States, Mr. Choate, remarked: "It follows from the speech of Mr. Barbosa that he objects to accepting any other plan than his own."¹⁰ To this Senhor Barbosa countered that he regretted not being able to make himself intelligible to one "whose mind is otherwise so keen."¹¹ He further clarified

⁹Ibid., pp. 652-53.

¹⁰Ibid., p. 694.

¹¹Ibid., p. 696.

his position by stating:

The essential purpose of the Brazilian proposition was to give practical form to the principle of the equality of the States, to define it in concrete form, against the principle of the classification of sovereignties through the machinery of rotation, adopted in the Anglo-Germano-American proposition.

Our principle, that of the juridical equality of the largest and the smallest States, this principle, which in the beginning was even scoffed at and which has attracted to us many epigrams and epithets, is now the victor.

On the other hand, the system of the Brazilian proposition,¹² in ensuring to each State the right of being present in the court by means of the rule of one representative given to each nation and chosen by that nation,¹³ excludes the system of international election, suggested in the various solutions which the sub-committee has examined one after another without any result. The method of election which is a common feature of all these projects must, therefore, be likewise regarded as having been discarded.¹⁴

It was the claim to equal representation in international bodies upon which the lesser states, led by Brazil, insisted.¹⁵ Although defeated at The Hague, here was the genesis of the representation pattern finally adopted as a basis for appointing (or electing) judges to the Permanent Court of International Justice set up by the League of Nations thirteen years later. The Council of the League and the Security Council of the United Nations also employed this

¹²See Appendix I.

¹³Ibid.

¹⁴Proceedings of the Hague Peace Conference, Vol. II, p. 699.

¹⁵See W. R. Sharp and G. Kirk, Contemporary International Politics (New York: Farrar and Rinehart, Inc., 1940), p. 463.

same principle -- permanent representation being granted automatically to Great Powers with the lesser states elected for shorter terms on a rotating basis. However, no agreement could be reached which would satisfy both groups at the second Hague Conference, and since no positive action was taken, Brazil claimed a victory for "juridical equality for the largest and the smallest states."

CHAPTER III

BRAZIL IN WORLD WAR I AND THE LEAGUE OF NATIONS

Period of Neutrality

The Brazilian government eventually ratified twelve of the fourteen conventions drawn up at The Hague in 1907.¹ When the European states became involved in the first World War, Brazil immediately applied the principles of neutrality which had been drawn up at The Hague in a series of neutrality proclamations. Still wishing to "stand apart when possible from questions which do not concern her directly,"² Brazil referred to specific Hague Conventions governing the laws of warfare when she issued Decrees of Neutrality in 1914.³

This attitude of neutrality was strictly maintained by Brazil throughout the first years of the war. However, when the German government gave notice of an unrestricted

¹James Brown Scott, op. cit., pp. 236-237.

²See page 7 ff. above.

³The decrees of neutrality which Brazil issued at the beginning of World War I contained specific reference to agreements signed at The Hague, are cited in The Brazilian Green Book (English Edition), (New York: The McMillan Co., 1918), pp. 11-13.

blockade at the beginning of 1917,⁴ the Brazilian government quickly responded that it could not accept the proposed blockade as effective, and "in spite of its sincere and anxious desire to avoid disagreements with the friendly nations now at war, feels that it is its duty to protest against this blockade, as in fact it does protest, and therefore it leaves to the Imperial German Government the responsibility for all events which may happen to Brazilian citizens, merchandise, or ships as a result of the abandonment of the principles recognized by International Law, or by conventions to which Brazil and Germany are parties."⁵

Brazil maintained diplomatic relations with Germany until after the torpedoing (April 5, 1917) of a Brazilian ship. After the guilt of Germany was established by a Court of Inquiry the Brazilian government retaliated by cancelling the exequatur of German consuls in Brazil. When a second Brazilian ship was torpedoed, the National Congress adopted a resolution giving her Executive branch power to utilize the German ships which had been in Brazilian harbors since the outbreak of the war in Europe.⁶ Germany protested

⁴The Brazilian Green Book, pp. 15-16.

⁵Ibid., p. 16; also see Warren Kelchner, op. cit., p. 19.

⁶Decree No. 3,266, issued June 1, 1917, Brazilian Green Book, p. 43.

against this measure, to which the Brazilian Foreign office replied by quoting the German jurist Heffter on the subject of reprisals.

Declaration of War

When still another Brazilian ship was torpedoed and its captain taken prisoner by the Germans, the Brazilian government recognized and proclaimed "the state of war initiated by the German Empire against Brazil."⁷ This notification gave the South American Republics an excellent opportunity to discuss Continental solidarity, for most of the American states admitted the justice of Brazil's position in their replies to a note circulated by the Brazilian government.

The sinking of two more Brazilian ships by German submarines brought measures of reprisal against enemy commerce, withdrawal of colonization concessions, and crystallized the desire on the part of Brazil to contribute more than just a "platonic manifestation" to the Allied cause. Aviation and medical missions were dispatched to the Allied countries, and the activities of the Brazilian merchant fleet

⁷Decree No. 3,361 of October 26, 1917, Brazilian Green Book, p. 90.

were coordinated with those of England, France, and the United States.⁸

By breaking away from the A B C (Argentina, Brazil and Chile) combination in South America and affiliating with the United States in World War I, Brazil was placed in a position of political leader of South America in the Peace Conference which followed the Allied victory.⁹

The Peace Conference and Entrance into the League of Nations

Brazil's role in World War I placed her in a position of political leader of South America at the Peace Conference and in the early years of the League of Nations. Chosen as one of the 10 powers represented in the Commission appointed by the Peace Conference to draw up the Covenant of the League, a prominent Brazilian statesman later asserted that "the Brazilian delegates had their share in the drawing up of the Covenant, and a number of their suggestions were actually adopted by the Commission."¹⁰ It would seem by this comment that even the Brazilians were surprised that their "suggestions were actually adopted," for they had been accorded a

⁸Brazilian Green Book, p. 7.

⁹Warren Kelchner, op. cit., p. 21.

¹⁰Soares, op. cit., p. 90.

position on the Commission as one of the countries with "limited interest."¹¹ Further, Brazil was made a member of the Council by Article 4 of the Covenant,¹² to serve until the non-permanent members were elected by the Assembly.

Several factors influenced the prestige accorded to Brazil at the Peace Conference and the Commission which draw up the Covenant. In the first place, Brazil had assumed the lead at The Hague in championing the cause of the smaller states; since many of the issues discussed revolved around the same issues as those debated at the Hague conferences, Brazil just continued her opposition to Great Powers supremacy where she had left off in 1907. However, there was an added factor which entered into the claim for equality set forth by Brazil in the League. Now she not only assumed the role of self-appointed spokesman for the Latin American nations, due to her greater size, population, and participation in the war, but with the failure of the United States to become a member of the League, Brazil felt it her obligation and privilege "to interpret in the international conventions in Europe the spirit and ideals of America, whose exponent heretofore has always been the great Republic of

¹¹The other four countries with "limited interest" who were invited to appoint a delegate to this Commission were Belgium, China, Portugal, and Serbia.

¹²The other three non-permanent appointments on the Council were Spain, Belgium, and Greece.

the North."¹³ The boomerang which Brazil loosed at The Hague in the midst of theoretical debates was bound to return, for the action and background of the Peace Conference and the League were based on reality. Still defending this theoretical concept, Brazil at the same time presented claims which were based on real power concepts of a magnitude which Brazil had not yet attained. Brazil was not satisfied to assume the role of a "middle-power" nation, any more than she had been satisfied to return to the status of a Portuguese colony when John VI returned to Portugal in 1822.

Participation in the League

During the genesis and the first few years of the League of Nations, Brazil again let her "conscience" be soothed by the fact that she was accorded what practically amounted to a permanent place on the Council. As long as the other Latin American states represented at the League were content to let Brazil occupy one of the seats accorded to the American nations, her demand for "equality" was appeased.

Brazilian statesmen distinguished themselves in both the Assembly and the Council during the early years of the

¹³Nuno Pinheiro, "Brazil and Latin America confronting the League of Nations," Pan American Magazine, March, 1921, p. 197.

League. One of the earliest to do so was M. Gastao da Cunha, Brazilian ambassador in Paris, who was designated to represent his government on the Council in the seat delegated to Brazil by Article 4 of the Covenant. During this first year he was made rapporteur on several important questions, such as traffic in women and children, typhus in Poland, the constitution of the international body for health problems, and a number of other questions which came before the Council. Cunha also served as one of the three Brazilian delegates to the First Assembly, where his proposal¹⁴ for the adoption of the technical organizations was accepted.

Another Brazilian delegate to distinguish himself at the First Assembly was Rodrigo Octavio de Langaard Menezes, Undersecretary of State for Foreign Affairs. Appointed to Fifth Committee, which was the one charged with the admission of new members to the League, Senhor Octavio took a stand against a proposition presented by Argentina which would have allowed all nations to become members of the League. The Assembly accepted the position taken by Brazil, which led Argentina to withdraw her delegate.¹⁵

¹⁴Records of the First Assembly, Plenary Meetings, p. 336.

¹⁵Kelchner, op. cit., p. 57.

An interesting and important example of the way in which Brazil helped define the powers and organization of the League was a recognized principle which arose from the objection of Senhor Octavio to a proposal before the First Assembly that the committees be made permanent. In opposition to this proposal Octavio observed "that the permanent committees would deprive the Council of the executive authority, that the position of a representative to the Assembly was that of a mandatory and did not permit him to depart from his instruction; and since the mandate terminated with the session of the Assembly it was impossible to understand how members could continue to consider themselves as delegates after the Assembly had risen." Octavio's dissent to the above proposal became the recognized principle.

The Brazilian statesman who perhaps contributed most to the prestige and influence of Brazil in the League was Dr. Raul Fernandes, a member of the Federal House of Representatives and former plenipotentiary to the Peace Conference. As a member of the Advisory Committee of Jurists, he helped draft the plan for the Permanent Court of International Justice.¹⁶ Fernandes was also chosen as one of the six legal experts to study the plan submitted

¹⁶Records of the First Assembly, Plenary Meetings,
p. 19.

by the Hague Committee to the Council,¹⁷ and in these two capacities he played a prominent role in the formation of the world court. Among the proposals advanced by Fernandes, which were accepted in committee and by the Assembly, were the establishment of the Statute of the Court by a simple vote of the Assembly rather than by a separate convention¹⁸ and the publicity of dissenting opinions. He had lost this latter proposal at The Hague, but won his point when it came up for debate again before the League Assembly.¹⁹ At one point in the debate on the proposals submitted by the advisory committee, when the Assembly was nearing a deadlock over the question of compulsory jurisdiction of the Court, Dr. Fernandes introduced a proposal which allowed a nation to choose between compulsory and voluntary jurisdiction. This solution broke the deadlock between the small states and the great powers, and the Statute which was subsequently adopted became known as the Optional Clause. Dr. Fernandes had favored compulsory jurisdiction, but through the compromise he recognized the "reality" of the situation

¹⁷Ibid., Meetings of Committees, I, p. 332.

¹⁸Ibid., p. 298.

¹⁹Ibid. p. 374.

and "succeeded in winning the admiration and respect of his colleagues on the Advisory Committee at The Hague, and both there and later in Geneva he gave luster to the name of Brazil."²⁰

When the judges of the Permanent Court of International Justice were elected by the Second Assembly, it was Brazil who nominated Elihu Root, a diplomat and jurist from the United States whose Pan American policy and election to the Court received the hearty support of all Latin America. Brazil in turn was honored by the election of Ruy Barbosa, who served as a judge on the Court until his death in 1923. He was replaced by a former president of Brazil, Epitacio da Silva Pessoa.

The support which Brazil was later to give the principle of American solidarity was foreshadowed by the remarks of Afranio de Mello-Franco, who headed the Brazilian delegation to the Fifth Assembly. He had been president of the Brazilian Delegation to the Fifth Pan American Conference, and was a member of the Permanent Court of Arbitration at The Hague. In speaking before the Assembly regarding reduction of armaments and the treaty of mutual guaranty, he said:

²⁰"Versailles Covenant and the Geneva Assembly," Inter-America, Vol. V, p. 376.

An attempt was made to devise some organic form for this mutual assistance, and the obligation to assist a state in the event of attack was, in principle, restricted to other states in the same continent. This restriction, which would have left Australia without assistance, would also have rendered the treaty inoperative as far as American states are concerned. This becomes strikingly evident when we remember that the United States do not belong to the League.

Moreover, the American countries that are Members of the League are not armed, and would in the event of aggression be unable to give any assistance to the country attacked, whoever the aggressor might be.²¹

Reference was then made to the Gondora treaty which had been signed at the Fifth International Conference of American States at Santiago, which rendered it "needless for the American states to adhere to a treaty of mutual guaranty as a protection against the danger of an act of aggression in the continent on the part of an American country." Senhor de Mello-Franco also pointed out the difficulty for one American state to give assistance to another because of the lack of military and naval force, the great distances between the nations and the topography of the continent.

Brazil adopted this same position regarding regional pacts of security when the subject came up for discussion at the Sixth Assembly. The Brazilian delegate stated that

²¹Records of the Fifth Assembly, Plenary Meetings,
p. 72 (Official Journal, Spec. Sup. No. 23).

inter-continental agreements were to the American states the means upon which peace depended. Serving as one of the delegates for Brazil at this assembly, Dr. Fernandes pointed out that the three most powerful states of Latin America -- Argentina, Brazil, and Chile -- possessed smaller armaments than even the least armed European groups. Again the "peculiar position of the American nations" was emphasized when Senhor Fernandes stated:

We have no concern with regional pacts of security, for the peace of our continent is based upon unshakable moral foundations, and is the outcome not of exceptional political foresight, but of the geographical and economic causes which mould our history. On the other hand, we have urgent need of intercontinental pacts, for there is a constantly increasing influx of foreign labor and foreign capital. Both are coming, or have already come, from populous and wealthy regions -- largely from Europe, and, to an extent which may become very considerable, from the Far East.

Any international disputes in which we may be concerned will therefore be the outcome of these intercontinental relations and will, by reason of their very origin, be legal rather than political in character. Our security thus requires that such legal disputes should be settled by judicial means, either by compulsory arbitration or, preferably, through the Hague Court . . .

It is only too obvious that in the system of regional pacts room can hardly be found for the inter-continental agreements upon which our peace depends. There is, of course, an indirect way out of the difficulty -- a means we employed before the existence of the League; I refer to partial arbitration treaties.

But these conventions are independent of the League and do not include all the guaranties given under the Covenant.²²

Here can be seen a clear example of the inter-reaction of forces which eventually led to the failure of the League. In a search for security, Brazil and many other nations were turning away from the solutions proposed in the Assembly and Council of the League of Nations.

Brazil Withdraws from the League

"That Brazil, after all the effective share which she took in the early doings of the League, should now seek to withdraw, is almost as tragic as the retirement of the United States after Mr. Wilson had put his hand to the plow."²³ Thus wrote a British diplomat in condemnation of Brazil's action which brought about the League Crisis of 1926. Commencing in the form of a veto to the entrance of Germany as a permanent member of the Council, Brazil attracted world-wide attention by her attitude regarding the reorganization of the Council during the Extraordinary Session of the Assembly

²²Records of the Sixth Assembly, Plenary Meetings, p. 83 (Official Journal, Spec. Sup. No. 33).

²³After praising the past work of Brazil on the League, Lord Phillimore stated that "when Brazil gave notice to retire from the League of Nations, few people can have been more distressed than the writer of this introduction." Soares, op. cit., p. viii.

in March, 1926.²⁴

The seeds of the controversy were planted in 1925, when the American nations represented in the League launched an attack on the privileged position of Brazil.²⁵ At a preliminary meeting which they always held to choose their candidates for the annual election of non-permanent seats on the Council, the majority of the American states represented demanded that the two seats reserved for the American countries, on the basis of regional representation, should be occupied by the Latin American nations in turn. Finding it difficult to defend her claim for what had become virtually permanent status on the Council (she had been elected yearly to a non-permanent seat), Brazil agreed not to press her claim for election to the Council the following year (1926) if the other states of Latin America would guarantee that she retain her seat during 1925.

Brazil was reelected in accordance with this agreement, and was also a party to a unanimously adopted resolution set forth by the Venezuelan delegate to the Sixth Assembly as follows:

²⁴Kelchner, op. cit., p. 55.

²⁵Soares, op. cit., p. 99.

The Assembly, noting that the non-permanent members of the Council at present in office have been reelected for a year, considers the meaning of this reelection to be that it is subject to the non-permanent part of the Council being renewed as from the election of 1926 by application of the principle of rotation.²⁶

The issue which brought about Brazil's demand for a permanent seat on the Council was the question of admitting Germany to the League with the status of permanent seat on the Council. This suggestion was in fulfillment of the Locarno settlements, to which Brazil had previously agreed; so the opposition by the Brazilian delegate to the admittance of Germany to the Council was entirely unexpected.²⁷ Europe was "astonished and indignant" when Brazil's intention to veto Germany's request was announced. Brazil's previous attitude and commitments regarding the Locarno policy gave no reason to anticipate opposition on her part. The Brazilian Ambassador, in announcing Brazil's affirmative vote

²⁶Records of the Sixth Assembly, Plenary Meetings, Geneva, 1925, p. 160

²⁷Brazil's intention was first announced in a "communique to the Temps, (Le Temps, Geneva, February 24, 1926), sent on February 23 by that journal's correspondent in Rio de Janeiro, which first revealed to Europe Brazil's definite intention to ask for a permanent seat on the Council of the League, to be given to her simultaneously with that promised to Germany. Some days afterwards, one of the members of the Brazilian delegation also announced the Brazilian Government's intention." Soares, op. cit., p. 128.

for the Geneva Protocol, welcomed the new measure which he termed "a wonderful achievement."²⁸ The Brazilian government also sent as an official note to the governments of the States' Members of the Council the following explicit statement regarding the admittance of Germany into the League:

It may be taken as certain that the entry of Germany to the Council depends solely upon her application for admission to the League, since all the States having a seat on the Council have sent favourable replies to the Memorandum which the German Government sent them on that subject."²⁹

Since unanimity was required among the members of the Council before Germany was admitted, the Brazilian government thought that the veto it held as a member of the Council would be sufficient to wrest the acceptance of its terms from the League. The German membership issue was used as a springboard by Brazil to advance her claim for a permanent seat on the Council. Brazil had been kept "year by year in the precarious position of a petitioner" for her seat on the Council; now she took a definite stand by demanding a permanent membership on the Council.

Brazil, without the support of the rest of the American states or any "great power" once again entered the

²⁸Verbatim Records of the Fifth Assembly, Geneva, 1924,
p. 222.

²⁹Confidential Memorandum sent by the Brazilian Government in July, 1925, to the Governments of the States' Members of the League Council, Geneva, 1926, p. 14, as cited in Soares, op. cit., p. 116.

plea for "equality of states" in her own behalf, as the only Portuguese country on the American Continent. If both non-permanent seats allotted to the American states went to Spanish-speaking countries, Brazil, as a representative of the Portuguese part of America, would not be accorded the equality for which she had so consistently fought, beginning with the second Hague Conference. Brazil also pointed out the lack of permanent representation in America, emphasizing the importance of her own position as the largest and most populous country of South America. Soares gave the concept of power to which Brazil aspired and the conflicting concept of the equality of states which Brazil had so ardently sponsored a strange twist when he wrote the following:

It matters little what American States, large or small, are members of the League and which are not, or which are elected or not elected to the Council; in any case the United States in the North, and Brazil, the Argentine and Chile in the South, can alone claim to speak to the other nations of the world in the name of America.³⁰

Stressing the political concept on which the League was based, Soares continued:

Brazil is beyond doubt one of those best qualified according to the political conception of the League, to figure on the Council. But the other American countries, particularly the smaller ones, did not look at the question of the representation

³⁰Soares, op. cit., p. 102.

of their continent from the political and diplomatic standpoint of Geneva. They simply regarded it as affording a chance to satisfy the vanity or further the private interests of governments or of the parties which happened to be in power.

If the above attitude was typical, it is small wonder that the Latin American states failed to support Brazil's claim for permanent representation on the Council. They favored larger American representation at the League, true enough, but the majority of the American states were opposed to the special position enjoyed by Brazil. In special session the representatives of the American nations decided that the interest of America would be best served if there were temporary seats at their disposal, to be allotted to all in regular rotation; they drafted the following motion advising Brazil to abandon her claim:

The American delegations . . . having exchanged their views in a spirit of the utmost cordiality and solidarity, and, having heard the information which M. Guani and M. de Mello-Franco, members of the Council, have been good enough to give them, have decided as follows:

The American delegations, conscious of the gravity of the League's present situation, regardful of the interests of world peace, and realizing how essential it is that the American states should exert their influence to bring about the reconciliation of the peoples of Europe, desire to express to His Excellency M. de Mello-Franco the hope that Brazil will take such steps as she may consider most opportune to bring about the unanimity in the Council and so remove the difficulties which stand in the way of its decision.³¹

³¹Records of Special Session of Assembly, March, 1926, Plenary Meetings, and Meetings of Committees, p. 29 (Official Journal, Special Sup. No. 42).

In accordance with "irrevocable and final" instructions from his government, the Brazilian delegate launched an uncompromising and useless veto from the platform of the Assembly on March 17, 1926. The consequent veto of Brazil on the Council postponed the Locarno plan to bring Germany into the League, and the Special Session of the Assembly was adjourned without accomplishing its purpose.

Brazil was severely criticized for "insisting upon a permanent seat on the basis of national aspirations for the leadership of Latin America."³² The Brazilian delegate was once again advancing the same doctrine of "equality" which Ruy Barbosa had advanced in The Hague in 1907. At the Hague Convention, however, the debates were of a theoretical nature, while at Geneva the situation was one of practical politics and reality. The Brazilian delegate may have overestimated the strength of his country in world politics, or perhaps the Brazilian Government did "deliver an ultimatum over the head of its own ambassador" to enhance its prestige at home, caring little whether or not its claims were granted. A Brazilian statesman, Macedo Soares, advanced an interesting and well documented claim that a corrupt government in Brazil had brought about a severe domestic crisis in Brazil during the four years preceding the League Crisis of 1926.

³²Kelchner, op. cit., p. 69.

To divert attention from the local crisis, the President had allegedly tried to "cut a big figure on the world stage" in order to "avert the full weight of public opprobrium which he had called down upon his head" as the four-year term of office was nearing an end. Although Soares undoubtedly had a political axe to grind, he nevertheless presented an interesting plea for Brazilians to "learn the truth" and regain membership in the League of Nations.

Be that as it may, a cold fact which one can ascertain with certainty is that the majority of the nations represented on the League of Nations -- large and small, American and European -- opposed the demands presented by Brazil for permanent representation on the Council. Theories were swept aside in face of the realities so frankly set forth in the following quotation:

The whole world cried out against this unreasonable claim. Politicians, diplomats, publicists and journalists in every country maintained that the prospect of world peace was being sacrificed to the purely political interest of a country that had escaped the more immediate sufferings of the war. The magnitude of the conflict became evident to all. The extraordinary change that had taken place in the international field since the war was revealed with startling clearness. A single country, a South American republic whose political, economic and military resources were only of secondary importance, was opposing its own claim -- in other words, its own interest -- to the interest of peace, the greater claim of humanity.³³

³³Soares, op. cit., pp. 5-6.

The Brazilian demands were by-passed by the League of Nations. The questions of the enlargement of the Council and the admission of Germany on permanent status were postponed. A Committee for the Composition of the Council was formed to draft a plan for reallocating Council seats.

Brazil was represented on this Committee by Elizen F. de Montarroyes, who strongly defended the thesis of equality of treatment for great and small states in regard to the composition of the Council, as his government had done in the Commission of the Peace Conference in 1919. He pointed out that Europe had three permanent representatives on the Council and would soon have four (Germany to be added); Asia had only five states in the League and still had a permanent representative; while 17 Ibero-American states were without permanent representation on the Council. After reviewing the interests which the American states could better solve by adopting continental rather than a universal policy, he continued:

Brazil has never claimed the right to represent the other American states on the Council, nor would such a representation be possible.

On the other hand, it is impossible to dispute the right of Brazil to formulate a claim founded on continental considerations, as this right springs from the community of interests, from which it follows that each of the associated parties is at liberty to ask for the necessary legal protection of the above interests . . .

It is necessary, therefore, to sweep away all ambiguities and to affirm categorically that the object of ~~the~~ Brazilian claim was essentially continental in character, based on the co-imperium of the territory of which Brazil is a portion and on the indissolubility of certain interests, without there being any question of a political representation of the other states of the continent.³⁴

The Brazilian delegate thus denied that Brazil had ever claimed the right to represent the other American states, and in the same breath claimed this right on "continental considerations; stating that the question of political representation of the other states of the American continent was not involved in their claim, Brazil still insisted on the "indissolubility of certain interests."

The Committee submitted their plan for reallocating seats to the Council on June 10, 1926. Senhor de Mello-Franco, Brazilian representative, renounced his place on the Council that same day.³⁵ No official action was taken at this time regarding Brazil's withdrawal from the Council, but two days later the Secretary General received a telegram from the Brazilian Government announcing her definite withdrawal from the League. Following is the text of the telegram:

To the Secretary-General of the League of Nations, Geneva: As you are aware, in the statement forwarded to m. Mello-Franco, which has doubtless already been published in extenso by the Secretariat and communicated to the Members of the League, Brazil resigned her

³⁴Official Journal, VII, 1926, pp. 887-889.

³⁵Ibid.

temporary seat on the Council. At the end of the document it was stated that Brazil was awaiting the opportunity to complete ~~her~~ action by abandoning the honour of membership of the League. Having now received an invitation to the ordinary Assembly in September, which she can no longer attend, she feels bound to state that this circumstance obliges her to announce at once, in this communication, her decision to withdraw from the League. This telegram is to be regarded as a preliminary notification in accordance with the final paragraph of Article 1 of the Covenant. Signed: Brazilian Minister for Foreign Affairs.³⁶

The Council was reorganized by the Seventh Assembly. Chile, Salvador, and Columbia were elected to the three seats allotted to the American nations under the new plan. Thus the desires of the South American republics for increased representation were met, with the exception of Brazil, who made no move to recall her notification of withdrawal.

In March of 1928, the Council adopted a resolution allowing Senhor Urrutia of Colombia, President of the Council, to communicate with the governments of Brazil and Spain,³⁷ extending an official invitation to these two countries to continue as members of the League.³⁸ Spain, in view of a new provision concerning eligibility for reelection to the Council, accepted this invitation which meant that the claim for a permanent seat on the Council was substantially met.

³⁶Ibid., p. 1004.

³⁷Spain had given preliminary notice of withdrawal from the League in September, 1926.

³⁸Official Journal IX, p. 405.

Brazil declined the invitation in reply dated April 9, 1928.

Reiterating certain reasons for withdrawal, the reply included the following:

On June 10 and 12, 1926, Brazil announced her intention of withdrawing from the League of Nations, setting forth fully the grounds for her action. The facts which preceded that decision of the Brazilian Government are well known. The widest publicity was given to the occurrence in its diverse phases, and to all commentaries aroused by it.

The Government now responsible for the policy of Brazil, duly considering the subject, both from the political and from the moral standpoint, reviewing all the documents of the case, with the sole purpose of being loyal to the duties and responsibilities of this country, finds no determining factor for altering, under such delicate circumstances, a situation which had already been clearly defined, since the contingencies which brought it about are nowise changed.

If, therefore, collaboration with the League of Nations implies permanence as a Member thereof, the Brazilian Government is the first to regret that the present circumstances should not allow such collaboration.

It would appear to me, however, that it is not only by occupying a seat in the Assembly or in the Council that a country can collaborate with the League of Nations. Such countries collaborate as recognize its services to civilization and to humanity. Countries that do honor to the great organizations created by the League of Nations, amongst which the Permanent Court of International Justice stands foremost, and join in the conferences through which the League of Nations strives for universal welfare by working out problems of general interest, rightly consider themselves collaborators. Lastly, it is clear that support is also brought to the League of Nations by those countries that preach and practice, in whatever part of the world they may live, to the utmost of their power the true policy of preserving peace, in no matter what emergency, by the employment of juridical solutions, by their disinterestedness, by their amity, and by their spirit of justice and of concord.

Collaboration being thus understood, I beg Your Excellency and the Council to consider my country one

of the most devoted cooperators of the League of Nations, and if, in the future, Brazil finds it possible to return thereto, she will only have ground for rejoicing both at the honor of being once more a Member and at the facts in consequence of which her return to that great institution will have been made possible. Brazil sincerely wishes that the blessings of mankind may be showered ever increasingly upon the League of Nations.³⁹

Prior to the above reply an editorial appeared in the Jornal do Brasil, stating that "the sentiment of national dignity and justice requires (Brazil) to assume an attitude of protest. If the national dignity will require our withdrawal from the League, the Brazilian nation will applaud the attitude since it will free us from a European organization where there is little use made of the American nations. About the only use made of the American nations is on the list of contributions."⁴⁰

Brazil's withdrawal from the League automatically became effective on June 12, 1928. She made no official attempt to regain membership, turning her attention instead to a policy of hemispheric solidarity in the Americas.

³⁹Ibid., p. 778.

⁴⁰Jornal do Brasil, Rio de Janeiro, March 13, 1926, as cited in Kelchner, op. cit., p. 74ff.

CHAPTER IV

BRAZIL'S GOOD NEIGHBOR POLICY

The withdrawal of Brazil from the League had far-reaching effects. Brazil had challenged both European and great power predominance in the League and lost on both counts. The reorganization of the Council met the desires of the smaller American states, and did not lessen the domination of the League by the larger European Powers. The demands presented by Brazil called for a showdown, and the European League members "preferred to expose the new organization to the first serious contretemps of its existence rather than alter their preconceived ideas of regional politics."¹ This unrelenting attitude adopted by both Brazil and the European members of the League has been termed the "beginning of the end," of the League of Nations.² The crisis which developed regarding the composition of the Council was taken by some as "proof that the peace organization was not living up to the ideals envisioned by its authors and the high hopes of all who did not intend to use it for their own political ends."³

¹Heitor Lyra, op. cit., p. 341.

²Ibid.; also see Soares, op. cit., p. 6.

³Heitor Lyra, op. cit., p. 341.

It was hoped by many that Brazil would retrace her steps and once again participate as a full-fledged member of the League,⁴ but the position taken by Brazil was unaltered. Instead of returning to the international organization dominated by the Great Powers of the "Old World," the largest and most populous country of the "New World"⁵ turned her attention to the development of hemispheric solidarity in the Americas.

Brazil was one of the earliest and most ardent supporters of the "Good Neighbor" policy announced by President Franklin D. Roosevelt in 1933. Cultivating friendly relations with her neighbors as she pursued a policy of cooperation with the United States, Brazil was able to exert a powerful conciliatory influence between the Spanish American republics and the "Colossus of the North" as a system of regional security was developed at the inter-American conferences.

⁴Brazil continued to participate in the Permanent Court of International Justice, the International Labor Organization, and in several activities sponsored by the League.

⁵Many Latin American authors stress the fact that the "New World" is not obligated to take on the troubles of the "Old World," but should turn their attention to the building of a cultural and economic regional system of their own. This point of view, as applicable to Brazil, is adopted in the article by Nair Fortes Albu-Mehry, "Panamericanismo," Cultura Politica, Anno II, Numero 19 (September, 1942), pp. 112-119.

The adage "In unity there is strength" can well be applied to the participation of the American nations at the San Francisco Conference on International Organization. Commencing with the Seventh Inter-American Conference held in Montevideo in 1933, this unity and subsequent strength was developed through a series of inter-American conferences and the application of the principles entailed in the "Good Neighbor policy" by a consistent majority of the American states.

The prestige and strength enjoyed by the United States and the American nations as a regional group at the conclusion of World War II was an important factor in determining the place accorded in the United Nations to the American states, individually and as a voting bloc. Therefore, their association and participation with the United States, along with the all important factor of "unity", increased the influence exerted by and accorded to even the smallest of the American states. However, several of the Latin American republics contributed much more to the war effort and the Allied victory than others. Brazil ranked foremost among the Latin American nations who contributed strategic war materials, air and navel bases, as well as strong moral support for an Allied victory. Brazil was the only Latin American country to send an expeditionary force to Europe.

The contributions of Brazil to the war effort will be examined later in greater detail. First an appraisal will be made of the role played by Brazil in developing hemispheric solidarity as it relates to enhancing the place of the American nations in world organization.

Among the factors contributing to Brazil's status in the United Nations are (1) the strengthening of her traditional friendship with the United States, (2) the cultivation of better economic and political relations with the other Latin American states, (3) the active participation and conciliatory role in the Inter-American Conferences held during the "Good Neighbor" era, and (4) the adoption of a "nova diplomacia" as a realistic approach to strengthening her position in world affairs.

Cooperation Between Brazil and the United States

Friendship between the United States and Brazil is traditional. The United States was the first country to recognize the independence of Brazil, as was Brazil the first South American state to signify approval and adherence to the Monroe Doctrine.⁶

⁶James Fred Rippy, "The United States and the Establishment of the Republic of Brazil," Southwestern Political Science Quarterly, III (June, 1922), p. 1.

As the largest and most populous states in North and South America respectively, they both faced the problem of dispelling the fears and suspicions of smaller American states.⁷ The intentions of the "Giants of the North and South" were often misunderstood by their smaller neighbors (and sometimes rightfully so), and a barrier grew between the two large states and the smaller states of their respective continents. The common obstacles which Brazil and the United States have had to overcome in their relations with the other American states, such as size, language, and tradition, often operated to increase the friendship and cooperation between these two nations. When, for example, the United States was pursuing an aggressive program in the Caribbean area during the building of the Panama Canal, the Brazilian Government published a treatise entitled Brazil, the United States and Monroeism in which the Monroe Doctrine was justified.⁸

The cooperation and understanding between Brazil and the United States has often been a strong factor in determining the attitude and actions taken by the other American

⁷Jayme de Barros, A Politica Exterior do Brasil 1930-40 (Rio de Janeiro: Departamento de Imprensa e Propaganda, 1941), p. 195.

⁸Lawrence F. Hill, Diplomatic Relations between the United States and Brazil, (Durham, N. C.: Duke University Press, 1932), p. 284.

republics in world affairs. Such was the case during World War I; in a demonstration of continental solidarity, twelve Latin American states followed the lead set by Brazil and the United States by either declaring war or by severing diplomatic relations with Germany.⁹

Brazil and the United States maintained close diplomatic contact during World War I, even during the early years of the war when both states were pursuing a policy of neutrality. After the United States adopted the policy of using armed force if necessary to protect American citizens who "peacefully and by right travel on the high seas,"¹⁰ a note was sent through the American embassy in Rio de Janeiro to the Brazilian Government stating that "it will make for the peace of the world if the other neutral powers find it possible to assume the same attitude."¹¹ Three days later the Brazilian foreign minister sent a reply as follows:

In thanking you for this communication, I must, in my turn, confirm in the present letter the verbal statement which I made to you that the Brazilian Government, in reply to the note which it received from the German Government announcing the blockade of the coasts of the

⁹Kelchner, op. cit., p. 14.

¹⁰The Brazilian Green Book, p. 22.

¹¹Ibid.

enemy countries, declared that it did not recognize, for a number of reasons, such a blockade as effective, and that it protested against it and its consequences.¹²

On April 17, 1917, the American embassy informed the Brazilian Government that "on April 6, the Congress of the United States of America declared, and the President proclaimed that a state of war existed between the United States of America and the Imperial German Government."¹³ By a decree of neutrality issued on April 25, 1917, Brazil proclaimed a state of neutrality in the war between the United States and Germany was to be observed, but announced in a note sent to the American Embassy in Rio that diplomatic and commercial relations with Germany had been suspended.¹⁴

The President of Brazil, in a message to the National Congress delivered on May 27, 1917, advocated that Brazil's neutrality be revoked in favor of the United States. In this message he announced that "the Brazilian nation, through its legislative organ, can without warlike intentions, but with determination, adopt the attitude that one of the belligerents forms an integral part of the American continent." He further stated that Brazil was bound to the United States by a "traditional friendship" and by a "similarity of public

¹²Ibid., p. 23.

¹³Ibid., p. 38.

¹⁴Ibid., p. 39.

opinion in the defense of the vital interest of America and the principles accepted by international law."¹⁵

Shortly after Brazil entered the war against Germany, the following telegrams were exchanged between the Presidents of the United States and Brazil:

June 5, 1917

I must transmit to your Excellency, in the name of my Government, the sentiments of deep appreciation with which the recent act of the Brazilian Congress with reference to the present struggle for peace and liberty, was received in the United States.

I am sure that I speak in the name of my fellow-countrymen when I express my warm admiration for the act, and the hope that it is the forerunner of the attitude to be assumed by the rest of the American states. I face the future with the confident hope in their cooperation in a united movement to put down the German menace.

Woodrow Wilson

June 13, 1917

I thank Your Excellency for the memorable words with which you congratulated Brazil, in the name of the People and Government of the United States, for the frankness of her attitude in this historic moment. Brazil, in taking her place once more at the side of the United States, has remained faithful to her political and diplomatic traditions of continental solidarity, and as in the case of the great American Nation, we are not actuated in this step by hatred or interest, but by a regard for International Law and the defense of principles which, if they are in dispute or danger in the Old World, must meet with shelter and support among the free peoples of the two Americas. Brazil has settled all her foreign questions, she has no ambitions in the present instance and has not

¹⁵Ibid., p. 40.

¹⁶Ibid., pp. 45-46.

suffered in the past, and prizes as a great boon the friendship of the United States. More than any external manifestations, no occasion could so unite the hearts of Brazil and the United States as the present period of uncertainty and struggles.

Wenceslau Braz¹⁶

The two largest American nations stood side by side throughout World War I and the peace negotiations which followed. But when the United States failed to become a member of the League, Brazil felt it her duty to carry on as representative of the "spirit and ideals of America."¹⁷ Once again Brazil's theoretical concepts of regional representation and "equality" resounded in the name of the Americas. The larger states of Europe had not objected to the assumption by Brazilian statesmen and journalists that Brazil had actually taken the place left vacant by the United States; it was when Brazil tried to convert this theoretical concept to a reality that the dominant European Powers objected by refusing "great power" status to Brazil on the Council of the League. In theory Brazil could represent the Americas (including the United States) at the international conference table, but in reality -- that was the lesson in international politics which Brazil had yet to learn -- the hard way!

After withdrawing from the League of Nations, Brazil maintained only economic and commercial ties with the nations of Europe.¹⁸ So when the "Good Neighbor" policy was announced by President Roosevelt in his inaugural address of 1933,

¹⁷Nuno Pinheiro, op. cit., p. 197.

¹⁸Heitor Lyra, op. cit., p. 341.

Brazil was in a position to become an active partner with the United States in this program. Brazil had stressed the need for American solidarity while still a member of the League,¹⁹ and the problem of regaining the friendship and support of the smaller American nations had to be met by both of the larger American nations. In addition, pressing domestic problems had to be solved before hemispheric strength could be achieved.

Under the leadership of dynamic presidents, Brazil and the United States approached their domestic economic problems with a positive "New Deal" program.²⁰ Franklin D. Roosevelt and Getulio Vargas were depicted by writers and statesmen as the leaders of America, and attention was drawn to the similarities of their policies, both foreign and domestic.²¹

Achieving hemispheric solidarity and strength entailed the establishment of better commercial relations between the American states. This proved to be a difficult task in cases, such as that of Argentina and the United States for example,

¹⁹See pages 23-26 above.

²⁰President Franklin D. Roosevelt stated that the two people who invented the New Deal were the President of the United States and the President of Brazil. The Public Papers and Addresses of Franklin D. Roosevelt (New York: Random House, 1938), Vol. V, p. 603.

²¹See Danton Jobim, Two Revolutions; F. D. Roosevelt; G. D. Vargas; a Good Neighbor Report (New York: The American News Company, 1941).

where production and exports were duplicated to a large extent. But the needs and exports of the United States and those of Brazil tended more to complement each other. A commercial agreement was signed between these two countries on February 2, 1935,²² and in the middle of 1937 a mixed commission was established to study United States-Brazilian trade. In a joint statement by the United States Secretary of State and the Brazilian Minister of Finance it was declared that the Commission was to be "guided entirely by the wish to foster trade between the two countries."²³

President Vargas announced that he was prepared to cooperate in formation of a "good neighbor" committee to further trade and gave assurance that care was being taken to prevent the Brazilian-German trade pact from destroying the American Market in Brazil.²⁴

Perhaps the events which did most to promote friendship and cooperation between the United States and Brazil were the exchange of special diplomatic, economic, and military missions between the two countries. These exchange visits

²²S. Shepard Jones (ed.), Documents on American Foreign Relations (Boston: World Peace Foundation, 1939), p. 40.

²³Ibid.; also see Department of State, Press Releases, Vol. XVIII, p. 535.

²⁴New York Times, November 14, 1947, p. 1.

started in 1936 when President Roosevelt stopped in Rio de Janeiro on his way to the Conference for the Maintenance of the Peace held at Buenos Aires. This visit was very significant, for it gave the Presidents of the two largest American nations a chance to "exchange views"²⁵ and reach an understanding concerning the important issues of the coming conference. In an address before a joint session of the National Congress and the Supreme Court of Brazil, President Roosevelt revealed the theme of the coming conference when he said:

Each one of us had learned the glories of independence. Economically we supply each other's needs; intellectually we maintain a constant, a growing-exchange of culture, of science, and of thought; spiritually the life of each can well enrich the life of all.

We are showing in international relations what we have long known in private relations -- that good neighbors make a good community.

In that knowledge we meet today as neighbors; we can put aside the empty phrases of "diplomatic triumphs" or "shrewd bargains." We can forget all thought of domination, of selfish coalitions, or of balances of power. Those false gods have no place among American neighbors.

Happily the relations between Brazil and the United States have transcended those lesser conceptions. Secure in unbroken respect and friendship, we meet with full respect, each for the other, with every hope that our mutual regard may prove useful to others as well.

There has never been a time when this confidence between Brazil and the United States was more precious or more needed.

I know from my enlightening conversation with President Vargas that we are entering the coming Conference

²⁵Barros, op. cit., pp. 237-238.

deeply mindful of our responsibilities and the need to work in fullest understanding with all of the Republics of this Hemisphere. If we are guided by wisdom, such comprehension will banish conflict from this part of the world.²⁶

Getulio Vargas had already made public the attitude of his government toward the United States, just a few days before President Roosevelt arrived in Brazil. Stating that his government was not fascist, nor would it join hands with European nations in pacts, the Brazilian president asserted that Brazil's friendly ties with other American nations would be maintained. Declaring that Brazil would continue to support the good neighbor policy, he said that there would be a "reinforced and enlarged effort to insure and develop the traditional relations of friendship uniting Brazil and the United States, following the good-neighbor policy of President Roosevelt, whom Brazil regards as one of the world's greatest statesmen and the greatest citizen of the Americas."²⁷

As war clouds gathered over Europe the American nations hastened to complete their system of hemispheric solidarity. The Eighth Inter-American Conference was held at Lima, Peru, in 1938. The agreements reached at Buenos Aires

²⁶The Public Papers and Addresses of Franklin D. Roosevelt, Vol. V, p. 601.

²⁷New York Times, Nov. 14, 1947, p. 1.

were implemented by the "Declaration of Lima," which stated that "in case the peace, security or territorial integrity of any American republic is threatened by acts of any nature that may impair them, they proclaim their common concern and their determination to make effective their solidarity, coordinating their respective sovereign wills by means of the procedure of consultation, using the measures which in each case the circumstances may make advisable."

United States and Brazil were strong supporters and signatories of this declaration, and shortly following the conference an "unprecedented"²⁸ invitation was extended to Brazil by the President of the United States. By means of a telegram sent to Getulio Vargas, the Brazilian Minister of Foreign Affairs, Dr. Oswaldo Aranha, was invited to Washington as the guest of the United States Government for the purpose of discussing "questions of great importance" to the two governments.

Following is the text of the telegram addressed by President Roosevelt to the President of Brazil:

The White House
Washington, January 9, 1939

There have arisen during recent months various questions of great importance in which our two Governments are equally interested. It would be particularly gratifying

²⁸Barros, op. cit., p. 274.

if these matters could be discussed in direct conversations between high officials of our respective Governments in that frank and friendly manner and in that spirit of mutual helpfulness which fortunately are traditional in the relations between Brazil and the United States. For this purpose I am extending through Your Excellency, an invitation to your distinguished Minister for Foreign Affairs, Dr. Oswaldo Aranha, to visit Washington as the guest of this Government. If it is agreeable to Your Excellency and convenient for him, I would suggest that the visit take place as soon as possible after the first of February. I hope very much that it may be possible for your Minister to accept this invitation and to visit Washington where he gained so many friends during his service as your Ambassador to this capital, and where it would give me and the members of my Government the greatest pleasure to welcome him.

Please accept the assurances of my highest consideration, together with the expression of my warm personal regard.

Franklin D. Roosevelt²⁹

Several days later President Vargas informed the President of the United States that the Brazilian Minister for Foreign Affairs was pleased to accept the invitation of the Government of the United States. The reply was as follows:

Rio de Janeiro, January 13, 1939

I derived great pleasure from Your Excellency's telegram of the 9th instant. As Your Excellency rightly recalls, cooperation of their Governments in the solution of continental and international problems is a pleasing tradition in the life of our nations. No less valuable and deserving of welcome will be our decision, in this era of confusion, animated by the same spirit of cooperation, to seek the adjustment of any problems, even internal ones, which may aid directly or indirectly in the reaffirmation of this friendship and of the interdependence of the interests of our nations. This will

²⁹The Public Papers and Addresses of Franklin D. Roosevelt, Vol. IX, p. 69; Department of State, Press Releases XX, p. 38.

also be true in this new meeting which Your Excellency proposes between the Minister of Foreign Relations, Mr. Oswaldo Aranha, and some members of your Government. My Government thanks you for the kind wording of the invitation, and Minister Aranha will take much pleasure in visiting Washington early in February. I suggest, merely as a practical measure for the study of the problems in question, that the Embassy of the United States of America at Rio de Janeiro furnish me as soon as possible with an outline of them, so as to enable me to consult my assistants and instruct the Minister of Foreign Relations in such a way as to meet Your Excellency's wishes. It was particularly pleasing to me to hear from Your Excellency such flattering references to the mission which Mr. Aranha performed there as my Ambassador. I present to Your Excellency the assurances of my sentiments of appreciation and cordial esteem.

Getulio Vargas³⁰

The Brazilian Minister arrived in Washington on the ninth of the following month. During the next few weeks goodwill gestures³¹ were mixed with the negotiation of important economic agreements between Brazil and the United States, the results of which proved highly satisfactory to both countries. The main accomplishments were the following:

1. The guarantee by Brazil of a free exchange market for commercial transactions between Brazil and the United States;
2. Long term credit extended by the United States to finance Brazilian purchase of industrial goods from the United States;

³⁰Department of State, Press Releases, Vol. XX, pp. 38-39; Barros, op. cit., pp. 274-275.

³¹Department of State, Press Releases, Vol. XX, p. 105; Barros, op. cit., pp. 279-80.

3. Plans to stimulate systematic large-scale production of agricultural products native to Brazil which would complement agricultural production in the United States and find a market in the United States;
4. An agreement that Brazil would resume payment on her debt to the United States;
5. Plans to create a central reserve bank in Brazil to regulate the international and external value of the Brazilian milreis.³²

After nearly a month of negotiations the State Department announced that "the area of possible collaboration has been carefully explored and important decisions on matters of mutually beneficial cooperation have been reached." The Brazilian Minister stated that his government intended to observe a general policy which would inspire the confidence of United States investors, "giving them no more restrictions than those to which Brazilian investors may be subjected."³³

Supplementing the improved economic cooperation between the United States and Brazil were the efforts made by both countries to establish closer cultural ties. Brazil had traditionally turned to Europe -- mainly Portugal and France -- for educational and cultural associations. Now, as the two largest republics of the Americas drew closer together economically, steps were also taken to increase their cultural and educational ties. Secretary of State

³²Department of State, Bulletin, Vol. I, p. 333; also see Department of State, Press Releases, Vol. XX, pp. 174-75.

³³Ibid.

Cordell Hull emphasized the "value of contacts between educational institutions" of the two countries, and stated that he favored the establishment of scholarships and fellowships for students from the other American countries on an exchange basis. Stressing the role of students in fostering understanding between the American nations, he said:

The satisfactory development of civilization itself in this Western world depends on cooperative efforts by all the Americas. These cooperative efforts must be made not only by statesmen and diplomats, by business and commercial men of the countries in the Western Hemisphere, but also by the educational institutions, which can be such a powerful factor in influencing public opinion to achieve these objectives. In influencing public opinion the students who study at universities and colleges of countries other than their own can play a great part.³⁴

Brazil sent many exchange students to the United States and sponsored several large student associations in Brazil for the purpose of furthering cultural relations between the two countries. In June, 1938, several thousand university students in Sao Paulo founded the University Institute of Brazil and the United States, sponsored by the university faculty, by Foreign Minister Oswaldo Aranha and by former Foreign Minister Jose Carlos de Macedo Soares. The aim of these Institutes was to strengthen Brazilian-American cultural relations by lectures, publications, and other means. A similar organization had already been put

³⁴New York Times, June 14, 1938, p. 10.

in operation by the students and faculties of the universities in Rio de Janeiro.³⁵

Another important link in the chain of cooperation forged between Brazil and the United States was the exchange of military missions in the early summer of 1939. The United States War Department announced on May 9, 1939, that the Brazilian Government had invited General George C. Marshall, Chief of Staff of the United States Army, to visit Brazil during the latter part of May and first days of June. The United States Government had in return invited the Chief of Staff of the Brazilian Army, General Goes Monteiro, to visit the United States. General Goes Monteiro and his immediate staff were to accompany General Marshall and his staff on their return voyage to the United States on the U.S.S. Nashville.³⁶ This exchange of military officials of the United States and Brazil was carried through according to plans, proving "highly valuable to both countries by uniting their people even more and establishing intimate comradeship between their great military leaders."³⁷

The United States and Brazil, through nearly a decade of close cooperation and increasing friendship, had united

³⁵Ibid., July 6, 1938, p. 11.

³⁶Department of State, Press Releases, Vol. XX, p. 405.

³⁷Department of State, Bulletin, Vol. I, p. 47; also see Barros, op. cit., p. 284.

to form a bulwark of American solidarity. Striving for peace, but at the same time gearing their economy for a war which seemed inevitable, they hoped to keep America out of the war and were determined to keep the war out of America.

Brazil and the Other Latin American Republics

Brazil's relations with the other Latin American states during this same period of "good neighbor" development were better than at any other time since Brazil declared herself a republic. In an effort to give the policy of hemispheric solidarity real significance, Brazil contributed much to the peaceful settlement of disputes between American states through arbitration, as well as strengthening commercial and cultural ties with her Spanish American neighbors. The two outstanding incidents in which Brazil played a leading role in helping her South American neighbors to settle their disputes through arbitration were the Leticia Incident between Peru and Colombia and the Chaco Boundary dispute between Bolivia and Paraguay.

In 1934 Colombia and Peru were on the verge of open warfare over a century-old boundary dispute between the two countries. Brazil had been previously involved with both countries. Brazil had successfully negotiated treaties with both Colombia and Peru, the first agreement being reached in

1851 with Peru. Although Brazil was not directly involved in the dispute, she was well acquainted with the events leading up to the Leticia Incident.³⁸

Both Colombia and Peru requested Brazil to serve as the arbitrator in the boundary dispute between the two countries. Negotiations were carried on in Rio de Janeiro, under the auspices of the Brazilian Cabinet. War was averted through a settlement drawn up in the form of the Protocol of Leticia, under the direction of Afranio de Mello-Franco, Brazilian Foreign Minister. The Protocol of Leticia was hailed as "an honor to the man who inspired it,"³⁹ and President Franklin D. Roosevelt later stated that the settlement of the dispute was due to the "patient assistance and masterly diplomacy"⁴⁰ of the Brazilian Foreign Minister.

Representatives of the two countries who had been involved in the dispute gratefully acknowledged the role of Brazil during the ceremony which accompanied the signing of the Protocol. The plenipotentiary of Peru exclaimed:

³⁸Barros, op. cit., p. 61-103.

³⁹Heitor Lyra, op. cit., p. 343.

⁴⁰The Public Papers and Addresses of Franklin D. Roosevelt, Vol. V, p. 600.

My first remark when the Peruvians and Colombians reached an agreement was this--To Brazil, after God, we owe thanks for this day of glory for America.⁴¹

During the time which Brazil served as sole arbitrator in the Leticia Incident, she was also cooperating with six other American nations to help Bolivia and Paraguay settle the Chaco border dispute.⁴² The controversy between these two South American countries became extremely bitter in December in 1928 when a clash occurred in the disputed territory between army patrols of the two countries. An arbitration commission had been created through the good offices of Argentina, but negotiations had broken down at the Buenos Aires conferences earlier that summer.⁴³ After an exchange of telegrams with the Council of the League of Nations,⁴⁴ both nations decided to submit the dispute to an International Conference of American States on Conciliation and Arbitration which had convened on December 10, when this border dispute threatened to develop into open warfare.⁴⁵ Various attempts

⁴¹Barros, op. cit., p. 102.

⁴²The other American states who helped arbitrate the Chaco dispute were: The United States, Argentina, Chile, Peru and Uruguay.

⁴³Kelchner, op. cit., p. 180; also see Official Journal, X, p. 254.

⁴⁴Official Journal, X, p. 21.

⁴⁵The International Conferences of American States on Conciliation and Arbitration; Washington, December 10, 1928-January 5, 1929 (Washington, 1929), pp. 86-88.

were made by a Commission of Inquiry and Conciliation set up by the American states to reach a settlement which would prove satisfactory to both Bolivia and Paraguay. When this Commission of Inquiry failed to settle the controversy, the League of Nations was again asked to enter into the negotiations.

Instrumental in the final settlement of this dispute were the exchange visits of the Presidents of Argentina and Brazil. President Augustin P. Justo of Argentina, accompanied by his Foreign Minister, paid an official visit to Brazil in October of 1933. In the course of the conversations between Presidents Justo and Vargas, it was decided to send a joint note to the governments of Paraguay and Bolivia, setting forth proposals on which a peace settlement might be reached between the two nations. An armistice was arranged in 1934, at which time the Commission of Inquiry established by the League of Nations set forth their proposals, which were rejected in favor of the ones drawn up by Brazil and Argentina. The League of Nations Commission gave up and went back to Europe in discouragement. Then new trouble broke out between Paraguay and Bolivia and even the Argentina-Brazilian proposals were rejected.⁴⁶

⁴⁶Barros, op. cit., pp. 107-186.

In 1935 President Vargas and his Foreign Minister, Macedo Soares, returned the visit to Argentina. The Brazilian Government had decided to take the initiative and stop the war between Paraguay and Bolivia, "even at the risk of becoming involved."⁴⁷ When President Vargas returned to Brazil, he left his Foreign Minister in Argentina to help work out a solution to the Chaco dispute, which was a strong indication of his wish to restore peace to the Americas,

Through the efforts of the arbitrators assembled in Buenos Aires in 1935, a solution to the Chaco dispute was presented which proved acceptable to both Paraguay and Bolivia. A protocol to this effect was drawn up on June 14, 1935,⁴⁸ but it was not until July 21, 1938, that "there was signed a Treaty of Peace Amity, and Limits terminating the conflict which for many years divided the sister Republics of Bolivia and Paraguay."⁴⁹

Drawn up as part of the Final Act of the Eighth Inter-American Conference at Lima, a Tribute to the Settlement of the Chaco Controversy expressed the "gratitude of America" to the American states who had served as mediating countries in the dispute between Bolivia and Paraguay.

⁴⁷Ibid., p. 174.

⁴⁸Ibid., p. 186.

⁴⁹The International Conferences of American States -- First Supplement 1933-1940 (Washington, Carnegie Endowment for International Peace, 1940), p. 234.

The peaceful settlement of the Leticia Incident and the Chaco controversy through arbitration added much to the prestige and moral force which Brazil was accorded by the American nations. Both as sole arbitrator and as actor in cooperation with five other American states, Brazil had proven herself to be a "good neighbor" in the eyes of her Spanish American neighbors. The attitude which the other American states expressed towards Brazil in the above mentioned Tribute⁵⁰ was very different from that which had been manifested by these same states during the League Crisis of 1926.⁵¹ Then the Latin American states had expressed resentment because of the special position accorded to Brazil in the League of Nations; at the Lima Conference Brazil was hailed as one of the states of America which had rendered service to the "common cause of peace in the New World." Brazil had gained her acceptance as a partner in the developing pattern of cooperation and solidarity in the Americas.

Numerous commercial, economic, and cultural agreements were concluded between Brazil and her neighbors during this same period.⁵² Economic and commercial accords were

⁵⁰Ibid.

⁵¹See page 31 above.

⁵²Barros, op. cit., pp. 342-343.

signed with Bolivia and Peru in which it was determined to extend and improve railway connections between Brazil and these two countries. Extradition treaties were signed with Guatemala, Colombia, and Peru. The diplomatic representatives of Brazil and Venezuela at Rio de Janeiro and Caracas were raised to the rank of Ambassador. Cultural exchanges were increased between Brazil and the Spanish speaking republics, and relations were improved by the exchange of official diplomatic and military missions.

A most important development in inter-American relations was the better understanding which was established between Brazil and Argentina after the exchange visits of their presidents. An improved relationship between these two largest and most powerful South American countries was a definite factor in the successful accomplishment of major objectives at the conferences of American states held in 1936 and 1938, when Brazil assumed the role of mediator of the differences which arose between Argentina and the United States at these conferences.

Brazil and the Inter-American Conferences

Perhaps most important in consolidating the gains made by Brazil during the Good Neighbor era were the Inter-American conferences held at Montevideo in 1933, Buenos Aires

in 1936, and Lima in 1938. Casting aside the traditional barriers (such as language and historic tradition) which had tended to separate her from the Spanish American countries, Brazil "cooperated on the same footing with all, desiring only to strengthen the bonds that united them by dissipating prejudices, reconciling misunderstandings, and obviating possible causes of future discord."⁵³

During the years following World War I the Latin American states leaned toward Geneva and the League of Nations instead of the United States. By 1928 when the Sixth Pan American Conference met at Havana, feelings were so bitter toward the United States' commercial policy and intervention in the Caribbean that the Conference seemed to portend the dissolution of the Pan American movement itself.⁵⁴ Lack of agreement between the United States and the smaller American nations was so evidenced at Havana that even the discussions of the problem of non-intervention were postponed until the Montevideo Conference in 1933.

Another contributing factor to the lack of unity among the American states was the participation of several American

⁵³Heitor Lyra, op. cit., pp. 342-343.

⁵⁴For a concise summary of the inter-American Conferences proceeding the Montevideo Conference of 1933, see Jay B. Hunt, The Act of Chapultepec and the United Nations, (University of Utah, 1948), pp. 20-23.

states as members of the League of Nations, and the lack of membership or participation of others. Argentina, for example, served as spokesman for the Latin American states at the League of Nations after the withdrawal of Brazil,⁵⁵ and as such supported the principle of universality in international organization as represented by the League. The United States, on the other hand, cooperated in certain respects with the inter-national organizations dominated by European powers,⁵⁶ but assumed the lead in promoting a regional system of economic, cultural, and defensive solidarity among the American republics.

The support given the Good Neighbor policy by Brazil at the Seventh Inter-American Conference of American States held in Montevideo in 1933, united the two largest American nations on the side of hemispheric solidarity and cooperation. Enough of the smaller states followed the lead set by these two greater nations to throw the balance of support to the side of regionalism, as opposed by the universalism championed by Argentina.⁵⁷ Another major accomplishment of the

⁵⁵R. W. Van Alstyne, American Diplomacy in Action, Second Edition (Stanford: University Press, 1947), p. 229.

⁵⁶Although never officially a member of the League of Nations, the United States participated in the Permanent Court of International Justice, the International Labor Organization, and several other activities sponsored by the League.

⁵⁷R. W. Van Alstyne, Ibid.

American states at Montevideo Conference was the acceptance of a resolution which "condemned" intervention by one American state in the internal or external affairs of another. The acceptance and practice of this measure, especially on the part of the United States, gave new life to the Pan American movement.

The United States had made a definite bid for Brazil's support just prior to the Montevideo Conference. While enroute to the inter-American conference, Secretary of State Cordell Hull made two stops in Brazil. In Rio de Janeiro his appeal for unity was based on "common interests and common aspirations, socially, morally, and politically" in the Americas which made the progress of each nation dependent "more and more upon the progress of its sister republics."⁵⁸

In Sao Paulo, the appeal for Brazilian cooperation with the United States was prefaced by an enumeration of the products which the two countries could profitably exchange. Cordell Hull made specific mention of coffee, cacao, rubber, manganese ore, nuts, cabinet woods, bananas, and vegetable fibers as being commodities for which the United States

⁵⁸Department of State, Addresses and Statements by The Honorable Cordell Hull in Connection with His trip to South America 1933-1934 to Attend the Seventh International Conference of American States, Montevideo, Uruguay (Washington: United States Government Printing Office, 1935), Publication No. 694, pp. 9-10.

could exchange surplus flour, automobiles, various types of machinery, and numerous other manufactures for most of the above numerated surplus commodities of Brazil. Stating that suitable trade arrangements should be worked out between the two countries, Hull added:

It is upon those friendly relations which have always existed between the United States and your great country that I am sure we can, by bringing to bear our mutually sincere purposes and our most intelligent co-operation, build a sturdy trade structure for the future. More importantly, by improving these everyday commercial relations, we can make even stronger our joint influence in the cause of world peace.⁵⁹

When President Roosevelt proposed an inter-American peace conference to meet in 1936, Brazil was still very much interested in the prospects of an economic defensive union of American states. President Vargas accepted President Roosevelt's proposal for an inter-American peace conference with the "greatest pleasure," saying that "a body able to regulate peace in the Americas, organized by American nations for Americans, would be unanimously approved in Brazil," but that "a federation of American republics would not be feasible unless it were economic and cultural but not political."⁶⁰

As the delegations of the American states assembled at Buenos Aires to participate in the Inter-American

⁵⁹Ibid., pp. 11-12.

⁶⁰New York Times, February 19, 1936, p. 10.

Conference for the Maintenance of Peace, President Getulio Vargas predicted that a "defensive but not an offensive bloc" of the twenty-one American nations would emerge from the conference.⁶¹ Argentina still opposed a definite league of American states, and had rallied the support of several of her neighboring countries in blocking any such proposal.

Prior to the conference the Brazilian attitude towards increased American solidarity was announced in such a way as not to offend Argentina and her supporters, but at the same time to indicate definite support for the policy of the United States. On November 18, 1936, President Vargas made the following announcement:

I do not know whether an American League of nations should be created at the conference or whether such a thing is possible. But, if a sound plan is presented Brazil will support it.⁶²

The foreign policies of the two largest American states had been carefully coordinated at Washington months before the conference assembled in Buenos Aires.⁶³ Last minute ideas and pledges were exchanged between the Presidents of the United States and Brazil, during their conversations and speeches at Rio de Janeiro, just a few days before the conference convened. Both countries were pledged

⁶¹Ibid., November 19, 1936, p. 1.

⁶²Ibid.

⁶³Barros, op. cit., p. 237.

to support a plan for forming the American republics into a League of American States.

Again the two tendencies -- universality and Americanism -- came to the foreground, with Argentina leading in the support of the former and the United States of the latter.⁶⁴

President Vargas had instructed the Chief of the Brazilian Delegation, Macedo Soares, to act as mediator between the viewpoints of Argentina and the United States, in an effort to bring the conference to agreement on a middle-of-the-road course which would be acceptable to all.⁶⁵ By compromising on much less than the proposed League of American states, both Brazil and the United States fell far short of their objectives, but accomplished the real purpose of the conference -- a pledge by the American states to consult in the event of a threat to the peace of the hemisphere from within or without its borders.

The Brazilian delegates left the conference very satisfied with the role they had assumed in furthering the developing regional system among the American states, knowing they had "worked faithfully and energetically at the side of

⁶⁴Ibid., p. 238.

⁶⁵Ibid., p. 246.

both Argentina and the United States for the defense of peace and service to America."⁶⁶ By not openly or uncompromisingly taking the side of either, Brazil had retained the friendship of both Argentina and the United States and had also played a very significant role in helping achieve the objectives of the Conference for Maintenance of the Peace.

As the dictators of the Axis nations withdraw from the League of Nations and continued their acts of aggression against smaller states, the Eighth Inter-American Conference was called to meet at Lima, Peru, in December of 1938. The purpose of this conference was to implement those gains of the 1936 conference with actual hemispheric defense machinery and procedures which could be put into immediate operation in case of a threat to the peace, security or territorial integrity of any American republic.

In the meantime, the Brazilian president had himself become a dictator when he suspended the constitutional elections scheduled to take place in January, 1938. In a bloodless coup d'etat accomplished on November 10, 1937, Getulio Vargas proclaimed himself president, dissolved Congress, and promulgated the constitution of the Estado Novo all on the same day. Vargas claimed to have taken over the one-man

⁶⁶Ibid., p. 255.

direction of the Brazilian government "in response to public opinion and with the support of the armed forces," (of the latter there can be no doubt).⁶⁷ The foreign policy of the "new state" remained unchanged, as was evidenced by the attitude and actions of the Brazilian delegation at the Lima Conference.

The Brazilian delegation was headed by a former Foreign Minister, Afranio de Mello-Franco. It will be recalled that this same diplomat was the Brazilian representative on the Council of the League at the time of Brazil's dramatic withdrawal from the League of Nations. Afranio de Mello-Franco had then advocated closer solidarity among the nations of the American hemisphere;⁶⁸ at the Lima conference he played an important role in strengthening the "inter-continental agreements" which he had envisaged at Geneva.

In the face of various accusations made in the press and periodicals throughout the Americas that Brazil had "flirted" with nazism and fascism, an announcement was made to the foreign correspondents in Brazil that the Brazilian delegation would combat any such ideas at the Lima conference. The delegates took the position that "continental

⁶⁷Karl Loewenstein, Brazil under Vargas (New York: The MacMillan Co., 1942), p. 37.

⁶⁸See pages 23-26 above.

unity can only survive under democratic principles," which they contended still existed in Brazil insofar as personal liberty and equal chances for all citizens to fill administration posts were concerned. In defense of the dictatorship in Brazil, it was declared that "one-man rule enables the government to cope with world conditions, with encroachments of others on the rights of nations." Leading Brazilian officials contended that President Getulio Vargas, vested with such power as he had been given, could act quickly and efficiently if the occasion demanded. In denying the linkage between the system of government in Brazil with those of the dictators in Europe it was declared that there were no concentration camps, no tags, labels or badges, and the masses in Brazil were not militarized. It was further asserted that there was no control over individual life, no predominance of one group over another, no preaching of inequality and no racial prejudices. The regime's true aims, according to a government spokesman, did not differ much from what President Roosevelt had been trying to attain in bringing national well-being and a continental brotherhood through the Good Neighbor policy.⁶⁹

⁶⁹New York Times, November 6, 1938, p. 20.

As the Eighth Inter-American Conference progressed at Lima, Brazil once again assumed the role of mediator between Argentina and the United States. The difference arose over the formation of a definite policy of continental solidarity, with Argentina once more assuming the lead in opposing the plan sponsored by the United States for a consultative pact. This opposition was shared by Bolivia, Chile, Paraguay, and Uruguay, so a compromise was necessary in order to achieve the chief aim of the conference -- a solid front of the American states.⁷⁰

Senhor Mello-Franco of the Brazilian delegation entered into personal negotiations with the United States Secretary of State and the Foreign Minister of Argentina, explaining to each that he found no fundamental differences in their two plans. Stating that the two proposals used different expressions to proclaim a policy of American solidarity and a consultative system in case of a threat to the security, sovereignty, or integrity of any one of the American republics, Mello-Franco made an appeal to the President of Argentina through the Argentina Ambassador in Peru to try to come to an agreement with the United States, thus removing the main obstacle to American Solidarity.⁷¹

⁷⁰Van Alstyne, op. cit., p. 231.

⁷¹Barros, op. cit., p. 264.

The Declaration of Lima was the compromise which resulted after the conciliatory efforts of Brazil had narrowed the chasm which at first seemed to separate the proposals presented by United States and Argentina. Signed by all 21 of the American Republics, it was soon to be applied to keep the European menace from spreading to the Americas.

Soon after approving the Declaration of Lima, the Chief of the Brazilian delegation to the conference, Afraino de Mello-Franco made the following pronouncement of Brazilian policy:

- Our policy may be summed up in that we shall --
1. Condemn war as an instrument of national policy;
 2. Give no aid to an aggressor nation;
 3. Not remain indifferent to a war between other states, but, on the contrary, to cooperate in bringing about a cessation of hostilities, having peace as the only objective and not the punishment of the state that may have been considered by political tribunals to have been aggressor;
 4. Judge authoritatively the cases in which it has been determined to apply sanctions and determine which is the aggressor state;
 5. Maintain liberty of action in regards to treaties to which we are not party and maintain absolute respect for those treaties to which we have subscribed or given support;
 6. Claim as a permanent and inviolable right the principle of self-defense against attack or aggression;
 7. Strive for the attainment of universal arbitration, reserving the right of free choice of judges until general world conditions permit the organization of a more perfect international justice.⁷²

⁷²Ibid., pp. 268-69.

Brazil and "The New Diplomacy"

The "nova diplomacia" program initiated by Getulio Vargas in the early thirties brought to Brazil by the outbreak of World War II much of the prestige and power which the political maneuvering of the "old regime" had failed to produce.⁷³ In the Americas as well as in Europe, Brazil's place in world affairs became more important after the adoption of a "realistic" approach in her dealings with other nations.

Brazil's new approach to diplomacy was based on a strong home government, which was to be represented by diplomats who were kept well informed on internal developments within Brazil. More emphasis was to be placed on creating better trade relations with the leading nations of the world, and less on trying to create a place in world affairs not justified by conditions at home. Diplomatic relations with other countries were no longer based on the "island of fantasy and tradition,"⁷⁴ but on the "Good Neighbor policy," an "expanding economy,"⁷⁵ and the adoption of a policy

⁷³Jayme de Barros, "A Nova Diplomacia Brasileira," Cultura Politica, Anno III, Numero 31 (August, 1943), pp. 64-76.

⁷⁴Ibid., p. 74.

⁷⁵G. Wythe, Royce Wight and H. Midkiff, Brazil: an Expanding Economy (New York: The Twentieth Century Fund, 1949), pp. 348-362.

of reality. In this way Brazil reestablished the prestige and position in world politics which she had lost through her untimely withdrawal from the League of Nations. It was as though she had heard and given heed to the angry sentiment of Europe and the smaller Latin American states in 1926, and followed the admonition of a well-known European journalist who concluded an article entitled The President of Brazil with the following words:

Brazilian statesmen are faced today with a problem akin to that which the United States had to solve a century ago -- the problem presented by a country of vast size and unlimited wealth, but sparsely populated and without communications.

This country may become one of the greatest economic and political Powers of the New World. There is no doubt that it will possess, in the eyes of future generations, all the prestige which invariably attends power and wealth; but on one condition -- that Brazilian statesmen turn their attention more to raising their people and developing their country so as to make it yield all that it is capable of yielding, and less to attempting to obtain for it an international standing for which it is not yet ready.⁷⁶

By the outbreak of World War II, Brazil had progressed far on the road to fulfilling this "one condition," as well as a good many more. As a result of the accelerated industrial programs, yearly production increased more than 100 percent from 1930 to 1940, with annual exports increasing

⁷⁶Journal de Geneve, No. 319, 97th Year, as quoted in Soares, op. cit., pp. 181-182.

more than 70 percent during this same time.⁷⁷

During the years from 1929 to 1938, the specialized publications of the League of Nations list Brazil as being the second highest nation in the world for increased production during this period. Only one country, the Soviet Union, is given an index number higher than that of Brazil. Compared with other nations, Brazil's place in the amount of increase in industrial production is as follows:

If the production of 1929 is taken as 100, ... the production of Russia in 1939 reached 470, whereas that of Brazil reached 330, Japan 173, Chile 136, Germany 126, England 115, and The Netherlands 104. The remaining nations, including the United States, Belgium, and France, in 1938 registered on the other hand an industrial production lower than that of 1929.⁷⁸

During these years Brazil was able to maintain a favorable balance of trade, exporting each year more in dollars than was received in imports.⁷⁹ Much of the increased production was used to take the place of goods formerly imported, especially from the European countries. This policy of increasing self-sufficiency made it possible for Brazil to adjust with "extraordinary facility" to the new

⁷⁷Barros, A Politica Exterior do Brasil (1930-40), p. 49.

⁷⁸Jose Jobim, Brazil in the Making (New York: The MacMillan Co., 1943), pp. 88-89.

⁷⁹Ministry of Foreign Affairs, Brazil 1939-40 (Rio de Janeiro; est. de Artes Graph., 1940), pp. 303-305.

economic conditions created by the war. At the beginning of the thirties Brazilian imports were around \$100,000,000 a year from the United States, besides all the imports from Germany, Great Britain, France, and practically all of Europe. After the war cut off all major sources of imports outside the Americas, Brazilian imports from the United States still did not amount to more than \$100,000,000 a year.⁸⁰ This reduction of imports of products which could be supplied within Brazil put Brazil on a more secure footing than she had ever before enjoyed and permitted a "feeling of some security" for the heretofore weak structure of Brazilian economy.

⁸⁰ Jobim, op. cit., pp. 4-5.

CHAPTER V

BRAZIL AND WORLD WAR II

Period of Brazilian Neutrality

Brazil's policy during the first years of World War II was that of strict neutrality. On September 1, 1939, the day the war began in Europe, President Vargas issued a decree that September 1 to 4 would be considered national holidays in Brazil. All public activities, business, and offices were closed during these days, with the exception of governmental administrative offices, while the Brazilian Government formulated policies and general rules which were to be observed in the national territory of Brazil to safeguard her neutrality. Decrees of neutrality were formally issued by the Brazilian government establishing the position of Brazil as a neutral in the war between Germany and Poland, Germany and England, and between Germany and France. Prior to the actual outbreak of hostilities, the Ministry of Foreign Relations had already sent instructions to all Brazilian diplomats and representatives in foreign countries, advising them to pursue a policy which would uphold strict Brazilian

Neutrality. Brazil was determined, as had been the case during the first years of World War I, to maintain a position of neutrality during the European War.¹

All of the American Republics hastened to issue decrees or proclamations of neutrality and prepare for the economic adjustments resulting from the loss of many European markets. Pursuing individual courses insofar as their neutrality policies were concerned, the American states hoped to retain their trade with Europe and still avoid becoming involved in the war. It was feared that a rift would develop over the economic policies of the various American nations.²

The period of Brazilian Neutrality lasted until August 31, 1942. After the attack on Pearl Harbor in December, 1941, Brazil broke off diplomatic and commercial relations with the Axis Powers in January, 1942. However, Brazil's effort to promote hemispheric solidarity during the first years of the war was not aimed against either the Allied or Axis powers, but had as its purpose the defense of the American Continent from aggression by any foreign power. To attain this goal, Brazil cooperated whole-heartedly in the Meetings of Foreign Ministers.

¹Reportagem Especial, "O Ministro das Relacoes Exteriores no Quinquenio," Cultura Politica, Anno II, Numero 21 (Nov., 1942), p. 98; also see Barros, op. cit., p. 290.

²New York Times, September 7, 1939, p. 16.

Brazil and the Meetings of Foreign Ministers of the
American Republics

On September 5, 1939, five days after World War II began, the Government of Panama sent a circular cablegram to the Foreign Ministers of the Republics of Bolivia, Costa Rica, the Dominion Republic, Ecuador, El Salvador, Guatemala, Haiti, Honduras, Nicaragua, Paraguay, Uruguay, and Venezuela, inviting them to attend a meeting of ministers "for the purpose of applying the procedure of consultation agreed to at the Conference for the Maintenance of Peace held at Buenos Aires, and the Eighth International American Conference held at Lima."³ The Mexican government had suggested on this same day to the Panamanian Government that it take the initiative in this matter, which it did by obtaining the concurrence of seven other American republics to serve as co-sponsors for the Meeting, which was scheduled to begin in Panama on September 21.⁴

At this First Meeting of Foreign Ministers Brazil made important contributions toward obtaining the "equality

³International Conference of American States, First Supplement, 1933-40, op. cit., p. 315.

⁴The invitation to the Panama Meeting was issued in the name of the following governments: Argentina, Brazil, Chile, Colombia, Cuba, the United States, Mexico, Panama and Peru.

of sovereign powers, and solidarity of the Americas." The Brazilian Government has given its delegates to the Panama Meeting the following instructions:

Generally, the Conference aims to strengthen the ties that unite the countries of the continent, permitting a closer cooperation in face of the conflict in Europe.

At a time when European nations are resorting to forces of arms to resolve their problems, the only force capable of keeping this continent from becoming involved in this conflict is unity and the solidarity of America. Forming a common front in defense of their rights of neutrality, America shall preserve the peace and liberty of their continent.⁵

The Chairman of the Brazilian Delegation presented a "Declaration on Continental Waters" for consideration at the Panama Conference. The Brazilian government attached great significance to this Declaration, being of the opinion that it would completely transform "Monroeism" into a hemispheric policy from that of a unilateral policy of the United States.⁶ This Declaration was a synthesis of ideas which had previously been presented by Brazil on continental solidarity and collective defense at Buenos Aires in 1936 and again at Lima in 1938. Advancing the proposal of establishing a security zone around the Americas, the Declaration began as follows:

⁵J. Paulo de Medeiros, "Aspectos do Panamericanismo e uma Tradicao de Politica Brasileira," Cultura Politica, Anno III, Numero 23 (Jan., 1943), p. 34.

⁶Reportagem Especial, "O ministro das Relacoes Exteriores no Quinquenio," op. cit., p. 99.

The sovereignty of the American Continent is founded on the inviolate bases of consultation, non-intervention, conciliation, arbitration, and above all, on the pacific sentiment of the American nations, who are enemies of war and friends of peace.

We do not have and we will not have anything to fear from each other in America; on the contrary, we have in each other, on land, sea and air, the assurance of security for each and all of the nations of America.

Continental security against overseas aggression must be obtained on sounder bases.⁷

Stating that "on the seas that surround us lies the future fate of our sovereignties, the declaration contains the following request directed to the Delegates assembled at Panama:

To the defense of the continental territorial integrity, we must add, therefore, as an inseparable part of an American political whole, the security of continental waters.

The Meeting at Panama must request and receive from all the belligerents engaged in the war, in which no American Republic is involved, the assurance that the countries in conflict will abstain from any belligerent act or activity on the sea, within the limit of the waters adjacent to the American Continent considered as being useful or of direct and primary interest to the American Republics.

We expect the belligerent nations, and those which in the future may take part in the present war, to observe and respect this Declaration which will be made in Panama as a complement of the Monroe Doctrine and of the Declarations of Buenos Aires and Lima.⁸

The declaration is concluded by the following statement:

⁷International Conferences of American States, op. cit., p. 336; the text and comments on the Declaration on Continental Waters is also found in Reportagem Especial, op. cit., p. 100; also see Barros, op. cit., p. 288-300.

⁸Ibid.

Brazil does not make and never has made an issue of formulas and words, but the idea that it suggested with regard to continental waters will be defended by Brazil, because it considers the principle useful for its existence and that of the other Republics of America.

These are the bases of the Brazilian vote and of the attitude of its delegates to the meeting of Panama.⁹

The main principle of the Brazilian Declaration on Continental Waters was embodied in the "Declaration of Panama," which was approved by the American Delegates at the Panama Meeting on October 3, 1939. A security zone was established around the Americas by defining the continental waters in definite terms of latitude and longitude, and the following declaration was made by the American republics:

As a measure of continental self-protection, the American Republics so long as they maintain their neutrality, are as of inherent right entitled to have those waters adjacent to the American continent, which they regard as of primary concern and direct utility in their relations, free from the commission of any hostile act by any non-American belligerent nation, whether such hostile act be attempted or made from land, sea or air.¹⁰

The "General Declaration of Neutrality of the American Republics"¹¹ was also approved at this Meeting, as well as provisions for an Inter-American Neutrality Committee with headquarters in Rio de Janeiro. Afranio de Mello-Franco,

⁹Ibid.

¹⁰International Conference of American States, op. cit., p. 335.

¹¹Ibid., pp. 326-329.

the last Brazilian representative to the Council of the League, was chosen to serve as chairman of the Neutrality Committee,

Resolution XII of the Final Act approved at Panama suggested that the Foreign Ministers meet next at Havana on October 1, 1940, "without prejudice to an earlier meeting if this should be found necessary."¹² The date of the Second Meeting was advanced to July 20 at the request of several American governments, owing to the seriousness of events resulting from the German occupation of most of Europe.¹³ The question which needed an immediate solution was that of the future status of the French and Dutch colonies in the West Indies.

The Brazilian Delegation to the Second Meeting of the Ministers of Foreign Affairs was headed by Maurici Nabuco, who defended "calmly but firmly" the principles of continental solidarity and continued American neutrality in World War II.¹⁴ Just before the conference convened, it was announced that Brazil favored establishing an American mandate or protectorate over European possessions in the Americas rather than letting them pass from one European nation to another. Brazil also felt that the "nation closest to the

¹²Ibid., p. 334.

¹³Ibid., p. 343.

¹⁴Reportagem Especial, op. cit., p. 98.

colony, or the one which would be most seriously affected by any transference, should assume the responsibility."¹⁵

The Brazilian Delegation presented four projects for consideration at Havana: one concerning the location of future Meetings, a resolution referring to the Neutrality Committee, a project containing a statute relating to the European colonies in America, and a resolution pertaining to economic cooperation between American nations.¹⁶ The Brazilian Delegates were among the first to sustain Resolutions XV¹⁷ and XVII¹⁸ in the Final Act which dealt with mutual assistance and defensive cooperation, and Brazil gave full support to the "Act of Havana" which concerned the provisional administration of European colonies and possessions in the Americas.¹⁹

The Third Meeting of Foreign Ministers met in Rio de Janeiro in the month following the attack on Pearl Harbor. With the United States at war, it was certain that the main emphasis of the Meeting would be to unite the Latin American nations on the side of the United States against the Axis Powers. All of the Central American and Caribbean Republics

¹⁵New York Times, July 11, 1940, p. 5.

¹⁶Barros, op. cit., pp. 327-330.

¹⁷International Conference of American States, op. cit., pp. 360-361.

¹⁸Ibid., pp. 362-363.

¹⁹Ibid., p. 364.

had already joined the United States in the war, Mexico, Venezuela and Colombia had severed relations with the Axis Powers before the Rio Meeting of Foreign Ministers began, and the remaining American Republics had announced that they would waive the usual rules of neutrality in favor of the United States. However, Argentina and Chile had not yet demonstrated their willingness to cooperate with the United States in the war against the Axis by closing their doors to German spies and saboteurs which had infested both countries; there was no reason to believe Argentina and Chile would become more cooperative at the Rio Meeting.

Brazil made an announcement of policy early in the meeting. At the inaugural session President Vargas declared:

The attitude of Brazil is already known. Brazil will defend, step by step, her territory against any outside incursions and will not permit her lands and waters to be used as a vantage point from which sister nations will be attacked.²⁰

President Vargas recalled the significance of obligations already assumed by the American nations at previous conferences. He reviewed the accomplishments of the Buenos Aires Conference of 1936, the Lima Conference of 1938, and the two

²⁰Jaime de Barros, "Consequencias da Terceira Reuniao de Consulta dos Chanceleres Americanos," Cultura Politica, Anno III, Numero 23 (Jan., 1943), p. 46; also see New York Times, January 16, 1942, p. 1.

previous Meetings of Foreign Ministers, stating that each of these conferences had contributed greatly to the attainment of continental solidarity. Then President Vargas emphasized the dominant note of the Rio Meeting when he said:

The aggression against the United States of America at Pearl Harbor, followed by the declaration of war by Germany and Italy against the great friendly country, united us once more. We are here, as sovereign representatives of the American family, to reaffirm to the nation so brutally attacked, our solidarity, and to resolve with prudence and decision, that which is necessary for the security and protection of our peoples,²¹

At the same inaugural session the Brazilian Foreign Minister referred to the "providential destiny of America" somewhat as follows: Placed between the orient and the occident, America constitutes a middle term between two extremes. According to the Brazilian Foreign Minister, the nations who had so brutally attacked the United States left no alternative to the peoples of America. All of them would rally to the support of the American country which had been attacked to help defend her. "Brazil's decision," he said, "was to cooperate in the formation of a regional system that would be able to safeguard the destinies of America and even the destinies of the world."²²

²¹Jaime de Barros, Ibid., p. 47

²²Ibid.

As the meeting progressed the attitudes of Argentina and Chile prevented complete unity from being attained, for these two American nations were unwilling to sever diplomatic relations with the Axis. In an effort to reconcile the differences between the position of the United States and the majority of the American Republics on the one hand and that of Argentina and Chile on the other, Brazil followed a "middle-of-the-road" course during the first days of the Meeting. President Vargas had already put Brazil definitely on the side of the United States, but the Brazilian Delegates at the Meeting did not try to force through a "compulsory" resolution which would require that the American states sever diplomatic relations with the Axis. Some of the American nations represented at Rio desired to take such action, but such a move would only have aggravated an already delicate situation. The comment of a Brazilian diplomat was that "to reach the goal, in such a circumstance, one has to make out, at times, that he is passing it by."²³ An intermediate point had to be found between the extreme attitudes of the nations who wanted an outright declaration of war and those states which were committed to a policy of non-participation. According to this same Brazilian diplomat, "great diplomacy was necessary in order to avoid possible divergency which would have threatened the continental unity

²³Ibid., p. 50.

brought about, link by link, during a century of constant effort."²⁴

After several days of negotiations, the majority of the Delegates decided to formulate a resolution which would "recommend" the breaking of diplomatic relations with Japan, Germany, and Italy.²⁵ This resolution left Argentina and Chile freedom of action, for relations with the Axis were to be severed by each country "in accordance with the procedures established by their own laws and in conformity with the position and circumstances obtaining in each country in the existing continental conflict."²⁶

Thus an intermediate point was agreed upon in the manner which allowed each American nation freedom of action but recommended that each sever diplomatic relations with the Axis. Toward the closing days of the Meeting the Brazilian Foreign Minister announced that Brazil was ready to make this break in diplomatic and commercial relations with the Axis Powers. This action on the part of Brazil brought immediate acclaim, prompting many of the hesitant American nations to follow suit. In a message from President Roosevelt to President Vargas, Brazil's break with the Axis Powers was acclaimed by the following words:

²⁴Ibid.

²⁵Department of State, Bulletin, Vol. VI, pp. 118-119.

²⁶Ibid.

Continental solidarity as defined by you in your address of greeting to the Foreign Ministers has been greatly strengthened by your action. The American republics had a magnificent triumph over forces that were trying to sow dissention among them, and trying to avoid those measures necessary for the preservation of our own freedom. This triumph was made secure by the prompt and firm decision of your government and other American governments that followed the same course of action. Your personal friendship at this critical time is a source of inspiration and your decision encourages the people of the United States.²⁷

Period of Brazilian Belligerency in World War II

Soon after Brazil ruptured diplomatic and commercial relations with the Axis Powers on January 28, 1942, German submarines began sinking Brazilian ships in the all-out effort to cripple Allied shipping. During the period of February 16 to August 17, 1942, eighteen Brazilian ships totalling 84,144 tons were sunk, with a passenger and crew loss amounting to 740 persons.²⁸ At first the Brazilian government limited its action to diplomatic protests, but Germany only answered with more sinkings. Five Brazilian ships were sunk within sight of the Brazilian coast, which led to the declaration of war by Brazil against the Axis Powers. These sinkings were dramatically publicized by the Brazilian press, and anti-Axis demonstrations on a national scale broke out during the days preceeding the formal declaration

²⁷Jaime de Barros, "Consequencias da Terceira Reuniao de Consulta dos Chanceleres Americanos," op. cit., p. 52; also see New York Times, January 29, 1943, p. 11.

²⁸"Antecedentes na Declaracao de Guerra," Cultura Politica, Anno III, Numero 31 (Setembro, 1933), p. 27.

of war. The following is typical of the articles appearing in the Brazilian press and periodicals, defending the position taken by Brazil in the war:

In the face of such "pirate" action, worse than acts of the pirates of old who before battle put up the war flag, we were affronted in our dignity, hurt in our sovereignty -- we could not answer but with a declaration of war in order to maintain our status as an independent nation, worthy of universal respect.²⁹

On August 31, 1942, President Vargas signed Decree No. 10,568 which put Brazil officially at war.³⁰ Then on September 16 a decree of general mobilization was issued.³¹ President Vargas assumed full war powers and proceeded to put Brazil on a complete war-time footing. Axis ships in Brazilian harbors were seized, and several German and Italian banks were closed. By decree, Axis nationals in Brazil were forced to contribute to the reparations for losses to Brazilian shipping.

Cooperation between the United States and Brazil expanded on a large scale. The Brazilian bulge became the site of United States air bases and served as the jumping-off point for the African Campaign. The United States helped

²⁹Reportagem Especial, op. cit., p. 101.

³⁰"Medidas de Guerra Tomadas pelo Governo," Cultura Politica, Anno II, Numero 20 (Oct., 1942), p. 13.

³¹Ibid., p. 14.

to equip and train a Brazilian Air Force, and Brazil started thinking in terms of sending an expeditionary force to Europe to fight with the Allied forces. The United States sent health, cultural, scientific, and many other missions of "co-operation" to Brazil. United States-Brazilian friendship soared to an all-time high.

Brazil became conscious of the "true basis of military power"³² which a modern nation must achieve in order to wage successful war. Steps were taken to speed up all phases of Brazilian production for the war effort, and many basic industries were established in Brazil to furnish finished products which had previously been imported from Europe or the United States.

The Brazilian army,³³ army reserve,³⁴ navy,³⁵

³²F. de Paula Cidade, "As Verdadeiras Bases do Poder Militar," Cultura Politica, Anno II, Numero 19 (Sept., 1942), pp. 114-119.

³³For a description of Brazilian participation in the war, including an account of the Expeditionary Force, see Ministerio das Relacoes Exteriores do Brazil, O Brasil e a Segunda Guerra Mundial, 2 Vol. (Rio de Janeiro: Imprensa Nacional, 1944); also see Forca Expedicionaria Brasileira (Rio de Janeiro: n.p., 1945).

³⁴Ibid.; also see Floriano de Lima Brayner, "O oficialato da reserva e suas responsabilidades em face do exercito do comando," Cultura Politica, Anno III, Numero 31 (September, 1943), pp. 191-204.

³⁵Ibid.; also see Cesar da Fonseca, "O Brasil e o poder naval," Cultura Politica, Anno III, Numero 31 (September, 1943), pp. 170-175.

merchant marine,³⁶ and air force³⁷ were expanded and trained to become a part of the Allied forces, and the Brazilian Expeditionary Forces fought in Italy with the Fifth and Fifteenth United States Armies.³⁸ Taking part in some of the hardest fought battles of the Italian Campaign, Brazilian forces penetrated more than 675 miles into enemy territory at a cost of 2,112 casualties during the period of May 11, 1944, to April 4, 1945.³⁹ Brazilian "Thunderbolt" pilots saw plenty of action in Italy, and when the war ended plans were in process to send Brazilian fighter squadrons to the Pacific.⁴⁰

When compared to the participation and losses of the Major Allied Powers during World War II, the Brazilian contributions and losses were small indeed. When the Brazilian contributions to an Allied victory are compared with those of other Latin American countries, and of many of the other

³⁶Ibid.; also see Didio Iraim Afonso da Costa, "O Brasil em guerra e a acao da marinha nacional," Cultura Politica, Anno III, Numero 31 (September, 1943), pp. 160-169.

³⁷Ibid.; also see "A Atuacao da Forca Aerea Brasileira na Guerra," Cultura Politica, Anno III, Numero 31 (September, 1943), pp. 205-212.

³⁸Forca Expedicionaria, op. cit., p. 12.

³⁹Ibid.; also see New York Times, April 15, 1945, p. 1.

⁴⁰New York Times, June 21, 1945, p. 3.

Allied states, the Brazilian part in the war assumes real significance.

The Adherence of Brazil to the Declaration
of the United Nations

On April 9, 1943, the Brazilian Ambassador to the United States, Carlos Martins, signed the Declaration of the United Nations in the name of the Brazilian Government.⁴¹ Brazil's adherence to this Declaration had been previously announced on March 3, but this formal act which took place at the Department of State in Washington made Brazil the thirty-first nation to "unite, in perfect solidarity, in defense of civilization."⁴²

⁴¹Inqueritos e Reportagens, "Um Meiz de Realizacoes Governamentais," Cultura Politica, Anno III, Numero 28 (June 1943), p. 219.

⁴²Ibid.

CHAPTER VI

BRAZIL AND THE MEXICO CITY CONFERENCE OF 1945

Purpose of the Conference

The contribution of Brazil toward the Allied victory of World War II surpassed that of the other Latin American republics. Every American nation except Argentina had severed diplomatic relations with the Axis by March, 1943, while eleven of these states had either declared war on Italy and Germany or announced that a state of war existed between them and the Axis Powers.¹ None of these states, however, contributed as much in man-power and material during the conduct of the war as did Brazil. However, Brazil desired to be considered as a part of the American regional system, not as the state who had earned the right to represent South America at the international conference table. Her relations with the other Latin American states continued to stress solidarity and the strengthening of the inter-American system.

¹William S. Robertson, History of the Latin-American Nations (New York: D. Appleton-Century Company, 1943), p. 535.

It was with this attitude that the Brazilian Delegation participated in the Mexico City Conference on Problems of War and Peace and the United Nations Conference on International Organization held at San Francisco.

Before the general conference of United Nations convened at San Francisco, the American states held a preliminary conference of their own. Early in January, 1945, the Governing Board of the Pan American Union announced that a conference of American states would be held, probably in Mexico City. The Board's statement limited this conference to "United and associated American states cooperating in the war effort,"² which automatically excluded Argentina but opened the way for the participation of the remaining American states.

For some time the American states had felt the need for a meeting of their representatives to discuss war and post-war problems.³ There had been no general conference of American states since January, 1942, when the Ministers of Foreign Affairs met in Rio de Janeiro just after the Pearl Harbor attack to consult regarding the measures that

²Pan American Union Notes, "Reply to the Request of the Argentine Government," Bulletin of the Pan American Union, LXXIX (March, 1945), p. 153.

³Olive Holmes, "The Mexico City Conference and Regional Security," Foreign Policy Reports, XXI (May 1, 1945), p. 42.

the American countries should take together for their mutual defense and protection against Axis aggression. In the light of developments during the war, further joint consideration had become desirable "in order to strengthen the contribution of the American republics to the achievement of their common objectives in the war and to assure their future peace and security after the war."⁴

It was announced that all delegations to the Mexico City Conference would be headed by Foreign Ministers, and that the Pan American Union and several other inter-American and international organizations were to be represented by observers.⁵ The Brazilian Delegation was headed by Pedro Leao Velloso, Minister of Foreign Relations.

Although originally scheduled to begin about the middle of February, the opening date of the conference was postponed until February 21, due to the Big Three meeting at Yalta. The United States Delegate, Secretary of State Edward R. Stettinius, Jr., arrived by air direct from the meeting of President Roosevelt, Marshal Stalin of the U.S.S.R.,

⁴Department of State Publication 2497, Report of the Delegation of the United States of America to the Inter-American Conference on Problems of War and Peace-Mexico City, Mexico - February 21-March 8, 1945, (Washington: Government Printing Office, 1945, p. 1.

⁵New York Times, January 11, 1945, p. 7.

and Prime Minister Churchill of Great Britain at Yalta, where further discussion and decisions regarding the Dumbarton Oaks Proposals had been completed. Secretary of State Stettinius made one stop enroute to the Conference. At Rio de Janeiro, he held a conference with President Getulio Vargas of Brazil. This visit could well be compared with the one made by President Franklin D. Roosevelt and Secretary of State Hull in 1936, when they were enroute to the Conference for the Maintenance of the Peace held in Buenos Aires.⁶ The purpose of the two visits, that in 1936 and the second in 1945, was the same -- an effort to coordinate the foreign policies and assure the unity of the two largest American republics on the eve of an inter-American Conference.

When the conference convened on February 21, delegates representing nineteen American states were present. Argentina was uninvited, Canada preferred not to attend, and the delegates of El Salvador arrived and were seated on March 1, the date when the new administration of that country took office. In all, more than three hundred and thirty delegates, advisers, counselors, and secretaries participated in the Conference, one of the largest inter-American meetings ever held.⁷ Of this total, twenty-five were members

⁶See page 50 above.

⁷Department of State Publication 2497, op. cit., p. 3.

of the Brazilian Delegation, which included seven ranking diplomats and four technical advisors.⁸

The inaugural plenary session of the Conference was held on the afternoon of February 21. General Manuel Avila Camacho, President of Mexico, delivered the address of welcome. He emphasized the important role that conferences had played in the development of the American system, and then defined the purpose of the conference as three-fold:

1. To strengthen hemisphere cooperation in the conducting of the war,
2. To regain and strengthen political and economic solidarity of the American nations, and
3. To reconcile regional policies of the American nations with the United Nations.⁹

The agenda had been agreed upon through consultation among the participating governments prior to the conference, and was formally approved at a session of the chairmen of the delegates. The order of precedence at the Conference was determined by lot, as is customary at the Inter-American Conferences.

The two most difficult parts of the agenda were considered to be:

⁸Ibid., p. 44.

⁹Ibid., pp. 6-7; also see New York Times, February 27, 1945, p. 27.

1. To unite, as far as possible, behind Dumbarton Oaks, and explore its relationship to hemisphere security.
2. To consider the existing situation between the Argentine republic and the other American republics.

Strengthening Hemisphere Cooperation in the Conducting
of the War

Although an Allied victory was nearly assured, World War II was not yet won at the time of the Mexico City Conference. One of the primary tasks of the Conference, therefore, was to consider "Complimentary Measures to Intensify the Cooperation in the War Effort," which was the assignment delegated to Committee I. Senhor Pedro Leao Velloso, Brazil's Minister of Foreign Affairs and Head of the Brazilian Delegation at the Conference, was elected chairman of this committee.¹⁰ Two sub-committees were appointed, one to deal with proposals of a military character and another to deal with political questions. The main task of this Committee was the "conclusion and amplification of the agreements with respect to the waging of the war that were reached by the Third Meeting of the Ministers of Foreign Affairs of the American republics held at Rio de Janeiro, January 1942."¹¹

¹⁰Department of State Publication 2497, op. cit., p. 9.

¹¹Ibid.

None of the eleven proposals referred to Committee I by the various Delegations were of Brazilian origin. However, the Brazilian Foreign Minister, in his capacity of chairman of this committee, was instrumental in the drafting and final acceptance of four resolutions into the Final Act of the Conference.

A Resolution entitled Creation of a Permanent Military Agency¹² was based primarily on projects introduced by the Mexican and United States Delegations. The Mexican Proposal stressed the need for a permanent organization directly representing the various Chiefs of Staff to consider and deal effectively with problems of military defense peculiar to the American hemisphere. The proposal of the United States was designed to extend the life of the Inter-American Defense Board which had been created at Rio de Janeiro in 1942, leaving the creation of a permanent body until after the San Francisco Conference. The Committee accepted the United States view by recommending that the American states merely "consider" the creation of a permanent military agency, and providing for the continuation of the Inter-American Defense Board until a permanent agency was later created.

¹²Ibid., p. 68.

The Mexican Delegation also proposed the fixing of strategic points on the American continent for the establishment of munitions and arms factories, and for a study of possibilities and methods of providing strategic war materials. The Brazilian delegate objected to this proposal on the ground that it fell within the competence of the permanent military board which was only envisioned or considered by the resolution for the "Creation of a Permanent Military Agency." The Paraguayan and Ecuadorian Delegates supported Brazil's position, and the Bolivian Delegate objected to the Mexican proposal on the grounds that it would increase the manufacture of munitions of war. In the face of these objections, the Mexican Delegation withdrew its proposal concerning the fixing of strategic points for the establishment of munition factories.¹³

The three other resolutions drafted by Committee I which became part of the Final Act of the Conference concerned and were entitled as follows: "Control of Armaments;"¹⁴ "War Crimes;"¹⁵ and "Subversive Activities."¹⁶

¹³Ibid., p. 11.

¹⁴Ibid., p. 69.

¹⁵Ibid., p. 70.

¹⁶Ibid., pp. 71-72.

Mexico sponsored the proposal from which developed the resolution on the Control of Armaments. The original project was modified by a stipulation suggested by the United States Delegation to the effect that American armament control plans should not conflict with existing or future international obligations.

The resolution on War Crimes related to war criminals who might seek refuge in the American continent and provided for the denial of refuge or the surrender of criminals on the demand of any United Nation. This resolution was a combination of the projects introduced by Haiti and the United States Delegations.

The final resolution prepared by Committee I on Subversive Activities developed out of projects submitted by Mexico, Cuba, and the United States. Through this resolution the American states agreed to intensify efforts to eradicate the remaining centers of Axis subversive influence in the hemisphere.

**Strengthening Political and Economic Solidarity of
the American Nations**

Brazil assumed an active role in the effort made at the Mexico City Conference to strengthen the political and economic ties which formed the basis of the regional system

of American states. Committee III, which dealt with matters of a political nature, was in turn sub-divided into three groups to consider (1) inter-American security (represented by Mexico, the United States, Brazil, Uruguay, and Colombia); (2) inter-American organization (United States, Mexico, Chile, Venezuela, and Peru); (3) and miscellaneous matters (Bolivia, Nicaragua, Cuba, Dominican Republic, and Ecuador). Forty-seven projects were referred to this Committee,¹⁷ from which twenty-seven resolutions were prepared as part of the Final Act of the Conference. Of the forty-seven projects referred to this Committee, Brazil initiated only two. However, the Brazilian proposal entitled Declaration of Principles of States¹⁸ was incorporated with similar projects presented by Colombia¹⁹ and Uruguay²⁰ into what was probably the most important accomplishment of the Mexico City Conference -- the Act of Chapultepec.

In the Declaration of Principles of States Brazil presented the following postulates:

I. All Sovereign States are legally equal to one another;

¹⁷Ibid., pp. 359-365.

¹⁸Ibid., pp. 178-179.

¹⁹Ibid., pp. 181-185.

²⁰Ibid., pp. 185-187.

- II. Every State has a right to have its personality and independence;
- III. Once again, the American States condemn wars of aggression and repudiate the use of force in international relations, except in the exercise of legitimate defense, duly proven, or by virtue of collective action determined by the competent organ of the international community;
- IV. All international controversies, whatever their cause or nature, must be resolved by pacific means;
- V. The American States are firmly resolved to keep themselves united as a bloc against any extra-continental aggression, and they still consider as a wrong committed against themselves any aggression against any one of them; they are therefore determined to participate in the defense of the sister nation attacked, in the way and under the conditions that may be agreed upon among them all.
- VI. However, if the aggression against an American State should come from another American State, the other States should, through procedures of consultation, reach an immediate agreement in order to examine the circumstances of the case and lend proper help to the victim of the aggression.²¹

The three resolutions presented by Colombia, Brazil, and Uruguay were all very similar insofar as they were directed at a potential aggressor either outside or within the hemisphere, and provided not only for consultation but for collective action ranging from non-recognition to military sanctions against the aggressor state. The Colombian draft resolution entitled Declaration on Solidarity against all Aggression stated that the hemisphere boundaries should be guaranteed against any aggressor. Unusual interest was

²¹Ibid., p. 179.

created among the delegates by this resolution in view of the aggressive actions of the Argentine Government.

The Colombian resolution asked the American states to declare that:

The security and solidarity of the Continent are just as much affected when an act of aggression is committed by a non-American State against any of the American nations, as when an act of aggression is committed by an American State against one or more American States -- 22

The Colombian proposal defined an act of aggression as: "an invasion of the territory of a state by the armed forces of another, by crossing frontiers established by treaties in force." This proposal not only called for joint consultation of the American states when an act of aggression seemed imminent or had taken place, but made "mandatory immediate action against the aggressor by the signatory nations." This action was to consist of one or more of the following, according to the circumstances:

1. recall of the heads of the diplomatic missions
2. breaking off of diplomatic relations
3. breaking off of consular relations
4. breaking off of postal, telegraph, telephone and radio relations
5. breaking off of economic and financial relations
6. use of military force to repel the aggression.²³

Then, keeping in harmony with the Dumbarton Oaks Proposals and the forthcoming conference in San Francisco, the Colombian Draft Proposal was concluded with:

²²Ibid., p. 187.

²³Ibid.

Upon the establishment of a world security organization, of which the nations signing this Declaration are members, the application of enforcement action shall be carried out in harmony with the rules of that organization.²⁴

The final draft of the Act of Chapultepec was patterned mainly after the Colombian resolution, although it contained the essence of the projects presented by Brazil and Uruguay. All three nations (Brazil, Uruguay and Colombia) gave their full support to the new version of the Colombia Resolution which was re-drafted by the Delegation of the United States.

Both the original Colombia resolution and the "Act of Chapultepec," which was unanimously approved by twenty American nations on March 3, 1945, began with an enumeration of the principles which "the American States have been incorporating in their international law since 1890, by means of conventions, resolutions, and declarations." Then a phase of the Brazilian Resolution was incorporated into the Act of Chapultepec with the declaration that "all sovereign states are juridically equal among themselves," and that "every state has the right to the respect of its individuality and independence, on the part of the other members of the international community."

²⁴Ibid.

Many other significant resolutions besides the Act of Chapultepec were prepared by Committees, including the resolutions on Reorganization, Consolidation, and Strengthening of the Inter-American System, Free Access to Information, and the Declaration of Mexico. Although the Brazilian delegation did not present projects related to the above mentioned declarations, Brazil whole-heartedly accepted the principles and commitments which strengthened the political and economic solidarity of the American Nations.

Resolutions which entailed questions of an economic and social character were referred to Committee IV. Of the fifty-eight draft resolutions considered by this committee, twelve were presented by the Brazilian Delegation.²⁵ This ratio (more than one-fifth of all draft resolutions in this category were initiated by Brazil) would seem to stress the importance which Brazil placed on economic and social questions, and would indicate that the "Nova Diplomacia" which stressed internal improvement had been extended to a dominant place in Brazilian participation at the inter-American conference table.

²⁵Ibid., pp. 359-365.

Reconciling Regional Policies of the American Nations
with the United Nations

One of the main questions considered by the delegations at the Mexico City Conference was the problem of reconciling the regional policies of the American nations with the international organization which was to emerge from the San Francisco Conference. Many of the delegates did not wholly approve of strengthening the regional system to a point which would limit the authority of the proposed world organization. Consequently, many of them wanted the American states merely to "consult" in the event of an aggression by an American state in this hemisphere, and either leave the "action" vague or make it clear that they meant "action short of war."²⁶ This attitude was held mainly by part of the United States delegation, while most of the delegates from the Latin American countries were willing to extend the authority of the regional system much farther.

The American nations were determined to preserve the fundamental principles of their regional system, consolidate them into the frame-work of the international organization if they could, but preserve the basic principles regardless. This attitude was made manifest in many declarations of the

²⁶New York Times, February 28, 1945, p. 17.

different American republics assembled at Mexico City, one example being the Declaration of Principles of States which was introduced by the Brazilian Delegation as follows:

WHEREAS:

The American peoples possessed of a deep love of justice, remain sincerely attached to the postulates of international law;

They wish that these postulates, notwithstanding the difficult present conditions, prevail even with greater force in future international relations;

The inter-American conferences more than once have proclaimed certain fundamental principles, but these must be reaffirmed or remembered when it is necessary to rebuild the juridical bases of the community of Nations;

The new world situation makes more urgent every day the union and solidarity of the American peoples for the defense of their rights and the maintenance of international peace -- 27

That the Delegations at Mexico City were ardent supporters of Americanism there can be no doubt. But they were equally sincere in their desire to make their system compatible to the new international organization. The concluding emphasis of the Act of Chapultepec was that its provisions were intended to deal with regional problems in accordance with the "purposes and principles of the general international organization, when established."²⁸ The relationship of the Western Hemisphere to the proposed United Nations Organization was not made definite. However, two basically different

²⁷Department of State Publication 2497, op. cit., p. 178.

²⁸Ibid.

approaches to international organization were presented by the inter-American system and the Dumbarton Oaks proposals -- regionalism versus universalism.

World Organization

One of the main purposes of the Mexico City Conference was to present the points of view of the American Nations in regard to the plan of world organization as set forth in the Dumbarton Oaks proposals. This task was assigned to Commission II, with the Secretary of State of the United States, Mr. Edward R. Stettinius, Jr., elected as Chairman. The Brazilian delegates assigned to this Committee were Ambassador Carlos Martins and Hildebrando Accioly.²⁹

Fifteen draft resolutions were assigned to Committee II, six of which were initiated by the Cuban Delegation. One draft resolution, entitled "Intervention by the Security Council"³⁰ was presented by the Brazilian Delegation. It was in this proposal that Brazil voiced the opinion that regional groups should be allowed to settle their own problems,

²⁹Ministerio das Relacoes Exteriores, Relatorio da Delegacao do Brasil a Conferencia Interamericana sobre Problemas da Guerra e da Paz--Mexico, 1945, p. 63-68.

³⁰Department of State Publication 2497, op. cit., p. 179.

intervention by the Security Council of the international organization being justified "only in those questions which might endanger the peace within some other group of nations."

The most important resolution prepared by this Committee and accepted as part of the Final Act of the Conference was entitled "On the Establishment of a General International Organization"³¹ Seven points on which a consensus existed among the American nations which did not participate in the Dumbarton Oaks conversations and which they deemed should be "taken into consideration in the formulation of the definitive charter of the world Organization," were embodied into this resolution. The resolution also declared that the "American Republics represented in this Conference are determined to cooperate with one another and with other peace-loving nations in the establishment of a General International Organization based upon law, justice, and equity." It further declared that these Republics desired to make their full contribution, "individually and by common action in and through the inter-American system, effectively coordinating and harmonizing that system with the General International Organization for the realization of the latter's objectives."³²

³¹Ibid., p. 102-104.

³²Ibid.

This resolution is indicative of the spirit with which the majority of the American Nations were approaching the coming world conference. Many of them offered criticisms and amendments to the Dumbarton Oaks Proposals, at the same time accepting them as a "basis for, and a valuable contribution to the setting up of, a General Organization that will permit the achievement of a just, peaceful order and the welfare of all nations, which the American Republics are striving to attain."

Fifteen Latin American nations presented memoranda on the Dumbarton Oaks Proposals to Committee I at the Mexico City Conference. The Brazilian delegation presented its views and comments on the proposed plan for a world organization, as well as preparing many amendments and suggestions which it felt would improve the Dumbarton Oaks plan. The place these comments assumed at the Mexico City Conference, as well as their effect on the United Nations Charter, merit discussion in a separate chapter.

CHAPTER VII

BRAZILIAN COMMENT ON THE DUMBARTON OAKS PROPOSALS

Observations of the Brazilian Delegation to the Mexico City Conference

Weeks before the delegates met at Mexico City, the Dumbarton Oaks Proposals were assured a preeminent place as a guide and topic of discussion and probable dissention at the coming conference.¹ On October 9, 1944, the United States Government had sent by means of a memorandum to the other American republics, for study and discussion, the plans for a world Organization which the "Big Three" had drafted at the Dumbarton Oaks conference. As a "Big Three" member and one of the four powers who had formulated the Dumbarton Oaks Proposals in 1944, the United States had to use great diplomacy in approaching this subject with her Latin American neighbors; for at this very time President Roosevelt was heading the United States Delegation at Yalta, where a voting formula was being worked out for the proposed world security organization.

¹Dana G. Munro, "The Mexico City Conference and the Inter-American System," Department of State Bulletin, XII (April 1, 1945), p. 525.

Meanwhile, the Latin American states had been busy suggesting changes in the Dumbarton Oaks Proposals. Mexico formulated twenty-eight changes and additions, designed to strengthen the position of Latin America in the United Nations Organization.² By asking for a revision of the Dumbarton Oaks Plans relating to the composition of the Security Council, Brazil announced that she might plead her case at the Mexico City conference for a permanent seat on the Security Council along with the big nations. She felt that her participation in the war entitled her to such a place as representative of Latin American thought.³ This view was strikingly reminiscent of the attitude adopted by Brazil after World War I,⁴ as evidenced by the following suggestions and criticisms in the composition of the Security Council:

The composition of the Security Council is one of the points of the Dumbarton Oaks Proposals that has caused the greatest and the most justified criticism, and with great reason because the functions of such a Council will be those of an all-powerful executive body.

The opinion of Brazil, in agreement with several others, considers that, excepting perhaps during the period of transition between the end of the present war and a future phase of perfect world readjustment to new

²Documents of the United Nations Conference on International Organization, San Francisco, 1945 (New York, London: United Nations Information Organization, 1945), Vol. III, pp. 239-40. Hereafter these works will be cited as UNCIO Documents.

³New York Times, February 11, 1945, p. 19.

⁴See page 17 above.

international condition, the composition of the Council should respond to more democratic formulas and be truly based on the juridical quality of sovereign States, without losing from sight the fact that, in certain cases or situations, special rights could be conceded to some of the members of the international community . . . if efforts are made to maintain the criterion of the permanence of some States on the aforementioned executive body, the Delegation of Brazil believes that it would be just to assign one of the permanent seats to Latin America, . . . If it is true that this criterion is based on the necessity of extending to the world organization facilities for providing world peace and security, it appears that this argument should apply to Latin America, whose military, air, land, and naval bases in the present war and whose contributions on the battlefields have been on such great importance to the success of long-range war operations.⁵

It is not difficult to guess which state in particular Brazil felt had made a worthwhile contribution to the war effort, nor which state she had in mind when her delegation at the Mexico Conference expressed the opinion that "it would be just to assign one of the permanent seats to Latin America" when the Security Council was formed. Brazil had by now learned the hard way, however, that great power predominance in international relations and organization could not be effectively combated with moral concepts or action not backed up by a reserve of power. So "aware of the difficulties of the moment," the Brazilian Delegation did not attempt to make a definite stand against the rule already established in favor of the permanence of the great allied powers on the Security Council. Brazil softened her stand

⁵See Appendix IV, p. 189.

regarding the "equality of states" by stating that "in any case, the Delegation of Brazil does not wish to insist upon this point."⁶ Not obtaining a permanent seat on the Council of the League had once been cause for Brazilian withdrawal from that body; the Brazilian government did not wish this same situation to arise again as a stumbling block to her entrance into the United Nations Organization.

Brazil also advanced the opinion that questions of exclusive interest to regional groups must be solved by these regional groups and not by the world security organization.⁷ In this regard she voiced the majority opinion of Latin American statesmen. According to Brazilian belief, "it was time that the Monroe Doctrine should be defined as a doctrine of all the Americas and that Dumbarton Oaks was the plan through which Latin American thought should gain entrance."⁸ Under the Dumbarton Oaks Plan the general principle was laid down that regional arrangements or agencies were permitted for dealing with such matters relating to the maintenance of international peace and security as were appropriate for regional action, provided such arrangements of agencies and their activities were consistent in purpose and principles

⁶Ibid.

⁷See Appendix III, p. 183.

⁸New York Times, February 11, 1945, p. 19.

with the world security organization. The Security Council was to encourage the settlement of disputes by such arrangements or agencies for "enforcement action under its authority," but nothing was to be undertaken under regional arrangements or by regional agencies "without the authorization of the Security Council."⁹ Brazil and many of the other Latin American states felt that the supervision or intervention of the world security organization was justified only in the solution of those questions affecting the peace of more than one regional group.

Also similar to the situation existing during the League Crisis of 1926 were the desires which the smaller Latin American states expressed for more non-permanent representation on the Security Council.¹⁰ The Chilean delegate, for example, proposed that the representatives in the Security Council should be increased from eleven to fifteen, and that the additional four places be given to the Latin American nations so that they would have on the Council a representation adequate to their number and importance in world affairs.¹¹ Guatemala wanted two or three Latin American states represented on the Security Council,¹² and Venezuela would settle

⁹Dumbarton Oaks Proposals, Chapter VII, Section C, Paragraph 1; see page 139 below.

¹⁰See page 31 above.

¹¹UNCIO Documents, Vol, III, p. 286.

¹²Ibid., p. 255.

for at least three of the Latin American republics as non-permanent members of the Council.¹³ With these draft proposals in view, it appeared as though the United States delegation would have to act as a mediator between the proposals of the Big Three and the desires of the Latin American states. It seemed as though discords were again to enter into the relations of the American states, but the predominant atmosphere at the Mexico City conference proved to be one of "good will, mutual confidence, and cooperation."¹⁴

The attitude of the Brazilian Delegation at Mexico City was in tune with this general spirit of mutual confidence and cooperation, as were the comments which they made regarding the Dumbarton Oaks proposals. In answer to the memorandum sent to the Latin American states by the United States government several months earlier, the Brazilian government considered as "satisfactory" the "project submitted to its consideration."¹⁵ Convinced of the "urgent need for establishing a new international organization capable of effectively maintaining the peace and security of the world," the Brazilian memorandum stressed the role of an international court of

¹³Ibid., p. 189.

¹⁴L. S. Rowe, "Report on the Inter-American Conference on Problems of War and Peace," Bulletin of the Pan American Union, LXXIX (May, 1945), p. 249.

¹⁵See Appendix III, p. 181.

justice in maintaining this goal of world peace. At this time no comment was made by the Brazilian Government on the proposed membership arrangement for the security organ.

The second group of official comments by the Brazilian Government on the Dumbarton Oaks proposals were submitted to Committee II of the Mexico Conference.¹⁶ This Committee, as will be remembered, was charged with the problem of world organization and had received a total of fifteen memoranda from that many of the Latin American republics containing comments and suggestions for improving the international organization envisaged by the Dumbarton Oaks Proposals. In the memorandum submitted by the Delegation of Brazil, it was emphasized, first of all, that "from its point of view the Dumbarton Oaks Proposals represent a great step forward with respect to the future organization of peace and they demonstrate the careful attention that was been given to the necessity of facilitating and consolidating future international relations." The Brazilian delegation considered, however, that in various points the proposals are open to improvements which would tend to make them more effective."¹⁷

¹⁶See Appendix IV; These comments by the Brazilian government are also found in the Relatorio da Delegacao do Brazil a Conferencia Interamericana sobre Problemas da Guerra e da Paz--Mexico, 1945, "Observacoes da Delegacao do Brazil sobre o Plano de Dumbarton Oaks," pp. 63-68.

¹⁷See Appendix IV, p. 185.

Referring to particular provisions in the Plan such as the preferred place given the "Big Five" on the Security Council and the lesser importance relegated to the General Assembly than that occupied by the Assembly in the League, Brazil recognized that "some of the main defects which appear generally in the system formulated at Dumbarton Oaks cannot be altered at the San Francisco Conference."¹⁸ Instead of radically opposing any proposal which did not uphold the theory of the "sovereign equality of states" as had been done at The Hague in 1907 and again during her participation in the League of Nations, Brazil expressed the desire to "contribute in some measure to the improvement of the Dumbarton Oaks Proposals without attempting in any way to replace them."

Brazilian Amendments to the Dumbarton Oaks Proposals

The Brazilian Delegation to the San Francisco Conference presented a number of amendments to the Dumbarton Oaks Proposals.¹⁹ Several of these amendments had a definite influence on the Charter of the United Nations Organization, while others were rejected or greatly modified by the respective committees to which they were assigned. Brazil had

¹⁸Ibid.

¹⁹See Appendix V.

submitted proposals, comments, or amendments relating to every Chapter of the Dumbarton Oaks Plan by the time the Conference on International Organization convened at San Francisco.

As the Brazilian comments, proposals and amendments to the Dumbarton Oaks Proposals are compared with this original Plan and then with the finished product of the United Nations Charter, it can easily be determined to what extent Brazilian thought was accepted as part of the majority will at the Conference. It is also interesting to note that Brazil insisted more on relatively minor points than the larger objections which would have proved stumbling blocks to the adoption of the Charter by the United Nations. It must be remembered, too, that in the majority of cases Brazil enjoyed the support of most of the American Nations, and Brazil in turn supported their proposals and amendments to the Dumbarton Oaks Plan. The addition of Article 51 of the Charter, for example, which introduced "collective self-defense" as a right of all members of the United Nations, was not introduced by Brazil but she joined in the enthusiastic support given this article by the majority of the American nations.

The comments and amendments in the following comparison are submitted in their original form whenever possible. The complete text of the Dumbarton Oaks Proposals appears at the top of each page, under which appear the Brazilian comments and amendments. These comments are in turn followed by the Charter of the United Nations, which incorporates or omits the ideas presented by the Brazilian government.

-----DUMBARTON OAKS PROPOSALS - CHAPTER I - PURPOSES -----

The purposes of the Organization should be:

1. To maintain international peace and security; and to that end to take effective collective measures for the prevention and removal of threats to the peace and the suppression of acts of aggression or other breaches of the peace, and to bring about by peaceful means adjustment or settlement of international dispute which may lead to a breach of the peace;
2. To develop friendly relations among nations and to take other appropriate measures to strengthen universal peace;

- BRAZILIAN COMMENTS AND AMENDMENTS - CHAPTER I - PURPOSES -

The Brazilian Delegation submits the following amendment to Chapter I - Purposes - paragraph 1, of the Dumbarton Oaks Proposals:

To proscribe war as an instrument of national policy; to maintain international peace and security and to that end to take effective collective measures . . . etc.

Chapter I - Purposes - paragraph 2:

To develop friendly relations among nations: to take other appropriate measures to strengthen universal peace and to define matters which constitute the domain of international law, i. e., of the states; within the limits of such definition, to vote the secondary laws or laws pertaining to application.²⁰

-----CHARTER OF THE UNITED NATIONS - CHAPTER I-----
PURPOSES AND PRINCIPLES

Article 1

The Purposes of the United Nations are:

1. To maintain international peace and security, and to that end: to take effective collective measures for the prevention and removal of threats to the peace, and for the suppression of acts of aggression or other breaches of the peace, and to bring about by peaceful means, and in conformity with the principles of justice and international law, adjustment or settlement of international disputes or situations which might lead to a breach of the peace;
2. To develop friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples, and to take other appropriate measures to strengthen universal peace;

²⁰See Appendix V, p. 192.

-----DUMBARTON OAKS PROPOSALS - CHAPTER II - PRINCIPLES-----

In pursuit of the purposes mentioned in Chapter I the Organization and its members should act in accordance with the following principles;

1. The Organization is based on the principle of the sovereign equality of all peace-loving states.

2. All members of the Organization undertake, in order to ensure to all of them the rights and benefits resulting from membership in the Organization, to fulfill the obligations assumed by them in accordance with the Charter.

-----BRAZILIAN COMMENTS AND AMENDMENTS-----

No. 3

The Brazilian Delegation submits the following amendment to Chapter II - Principles - paragraph 2, of the Dumbarton Oaks Proposals:

All members of the Organization undertake, in order to insure to all of them the right and benefits resulting from membership in the Organization, to respect and carry out scrupulously the treaties and agreements to which they are parties and to fulfill the obligations assumed by them in accordance with the Charter.²¹

-----CHARTER OF THE UNITED NATIONS - CHAPTER I-----
PURPOSES AND PRINCIPLES

Article 2

The Organization and its Members, in pursuit of the Purposes stated in Article 1, shall act in accordance with the following Principles.

1. The Organization is based on the principle of the sovereign equality of all its Members.

2. All Members, in order to ensure to all of them the rights and benefits resulting from membership, shall fulfill in good faith the obligations assumed by them in accordance with the present Charter.

²¹Ibid. pp. 192-93.

-----BRAZILIAN COMMENTS AND AMENDMENTS - CHAPTER II-----

In Chapter II of the draft, with reference to Principles, it appears that there could be included not only the principle of non-intervention, which has already been extensively recognized among the American nations (Conventions of Montevideo on the Rights and Duties of States; Protocol of Buenos Aires relative to non-intervention; Declaration of Lima, 1938) and even in a certain manner accepted by the Assembly of the League of Nations (Resolution adopted by October 10, 1936) and also the principle of scrupulous respect for treaties, which constitutes one of the bases of international law.

Therefore the Delegation of Brazil suggests that paragraph 2 of Chapter II be worded as follows:

"2. All members of the Organization pledge themselves to respect and scrupulously to comply with agreements and treaties to which they may be contracting parties, including obligations assumed in conformity with the present Charter."

And that paragraph 4 of the same chapter be worded thus:

"4. All members of the Organization shall refrain in their international relations from any intervention in the foreign or domestic affairs of any other member of the Organization, and from resorting to threats or use of force, if they are not in accord with the methods and decisions of the Organization. In the prohibition against intervention there shall be understood to be included any interference that threatens the national security of another member of the Organization, directly or indirectly threatens its territorial integrity, or involves the exercise of any excessively foreign influence on its destinies."²²

Inclusion under Chapter II, Principles, at any appropriate point, of the following paragraph:

All members of the Organization shall endeavour to practise the policy of the Good Neighbour.

Justification

This simple, sane and profoundly moral doctrine should lead to the elimination of violence and war as instruments of international policy. The lessons of the present conflict are the most fitting illustration of its significance.

The adoption of this principle by the Conference would be a worthy tribute to the memory of the great internationalist who propounded it.²³

²²See Appendix IV, p. 186.

²³See Appendix V, p. 195.

~~-----~~DUMBARTON OAKS PROPOSALS - CHAPTER II-----

3. All members of the Organization shall settle their disputes by peaceful means in such a manner that international peace and security are not endangered.

4. All members of the Organization shall refrain in their international relations from the threat or use of force in any manner inconsistent with the purposes of the Organization.

-----BRAZILIAN COMMENTS AND AMENDMENTS-----

The Brazilian Delegation submits the following amendment to Chapter II, Principles, paragraph 4, of the Dumbarton Oaks Proposals:

from the threat of use of force and from the threat or use of economic measures in any manner inconsistent ...
etc.²⁴

4. It considers it essential that there be included among the principles of the organization to be set up the respect and maintenance, by all the members, against any external aggression and the territorial integrity and political independence of each one of them.

10. It suggests that in the editing of paragraphs, Chapter II, it be made very clear that all members of the organization will abstain, in their international relations, from resorting to threats or to force, except in accordance with the methods and decisions of the organization.²⁵

-----CHARTER OF THE UNITED NATIONS - CHAPTER I-----

3. All Members shall settle their international disputes by peaceful means in such a manner that international peace and security, and justice, are not endangered.

4. All Members shall refrain in their international relations from the threat of use of force against the territorial integrity or political independence of any state, or in any other manner inconsistent with the Purposes of the United Nations.

²⁴Ibid., p. 196.

²⁵See Appendix III, pp. 182-183.

-----DUMBARTON OAKS PROPOSALS - CHAPTER III - MEMBERSHIP-----

1. Membership of the Organization should be open to all peace-loving states.

-----BRAZILIAN COMMENTS AND AMENDMENTS - CHAPTER III-----

The Delegation of Brazil considers that it would be desirable to adopt the principle of universality in the new international organization. This should fully represent the community of States in such manner that no State which enjoys its own independent life could either be excluded or exclude itself from that community.

As within the internal order every individual is subordinate to the jurisdiction of some State, so also within the external order every State should be included in the International Organization.

Therefore the Delegation of Brazil suggests that Chapter III of the Proposals be replaced by the following:

"1. The International Organization shall be composed of all sovereign States that now exist or which in the future may exist under their own independent conditions of life.

"2. No State may be expelled from the Organization or voluntarily withdraw from it."²⁶

- CHARTER OF THE UNITED NATIONS - CHAPTER II - MEMBERSHIP --

Article 3

The original Members of the United Nations shall be the states which, having participated in the United Nations Conference on International Organization at San Francisco, or having previously signed the Declaration by United Nations of January 1, 1942, sign the present Charter and ratify it in accordance with Article 110.

Article 4

1. Membership in the United Nations is open to all other peace-loving states which accept the obligations contained in the present Charter and, in the judgment of the Organization, are able and willing to carry out these obligations.

2. The admission of any such state to membership in the United Nations will be effected by a decision of the General Assembly upon the recommendation of the Security Council.

²⁶See Appendix IV, pp. 186-187.

--DUMBARTON OAKS PROPOSALS - CHAPTER IV - PRINCIPAL ORGANS--

1. The Organization should have as its principal organs:
 - a. A General Assembly;
 - b. A Security Council;
 - c. An international court of justice; and
 - d. A Secretariat.
2. The Organization should have such subsidiary agencies as may be found necessary.

-----BRAZILIAN COMMENTS AND AMENDMENTS-----

Inclusion under Chapter V, at any appropriate point, of the following paragraph:
Representation and participation in the General International Organization shall be open to men and women under equal conditions.

JUSTIFICATION

In support of the above, we point out that the proposal is in accord with the evolution of international law and policy.

Submit the following amendment to Chapter IX, Arrangements for International Economic and Social Cooperation, Section A, Purpose and Relationships, paragraph I of the D O P

...and promote respect for human rights and fundamental freedoms and foster the democratic principle of equality of status, opportunity, and responsibility for men and women, Responsibility for the discharge of this function...etc.²⁷

-----CHARTER OF THE UNITED NATIONS - CHAPTER III - Organs-----

Article 7

1. There are established as the principal organs of the United Nations: a General Assembly, a Security Council, an Economic and Social Council, a Trusteeship Council, an International Court of Justice, and a Secretariat.

2. Such subsidiary organs as may be found necessary may be established in accordance with the present Charter.

Article 8

The United Nations shall place no restrictions on the eligibility of men and women to participate in any capacity and under conditions of equality in its principal and subsidiary organs.

²⁷UNCIO Documents, Doc. 2 G/25, pp. 602-603.

- DUMBARTON OAKS PROPOSALS - CHAPTER V - The General Assembly -

Section A. Composition

All members of the Organization should be members of the General Assembly and should have a number of representatives to be specified in the Charter.

-----BRAZILIAN COMMENTS AND AMENDMENTS-----

[Brazil favored universal membership in the United Nations Organization, which also applied to the General Assembly.]²⁸

13. It also is believed desirable that the Assembly of the Organization have as permanent headquarters the same as those of the Security Council and the Secretariat, with the right to meet in another place if so decided.²⁹

-----CHARTER OF THE UNITED NATIONS - CHAPTER IV-----
THE GENERAL ASSEMBLY

COMPOSITION

Article 9

1. The General Assembly shall consist of all the Members of the United Nations.

2. Each Member shall have not more than five representatives in the General Assembly.

²⁸ See Amendment on page 132 below.

²⁹ See Appendix III, p. 133; This Amendment was defeated in Committee IV at the San Francisco Conference; UNCIO Documents, Vol. VIII, p. 390.

-----BRAZILIAN COMMENTS AND AMENDMENTS • CHAPTER V-----

The functions and powers of the Assembly of the new Organization will be somewhat less than those of the Security Council, in accordance with the Dumbarton Oaks Proposals. It therefore might be desirable to strengthen the first of these two bodies, in which all Members of the Organization will be represented.

This, however, is one of the points wherein it might be difficult to change what was established at the Dumbarton Oaks Conference.

Therefore, the Delegation of Brazil limits itself to stating that, if the above indicated suggestion is accepted, relative to the universality of the New Organization, there should be eliminated in Section B of this Chapter, paragraphs number 2 and the last paragraph of number 3, as well as the reference to expulsion contained in paragraph 2 of Section C, and the Delegation suggests the inclusion of a rule on the question of revision of treaties.

The rule that the Delegation of Brazil suggests might figure as the last paragraph of Section B of Chapter V, is more or less as follows:

"At the request of any contracting party to an executory treaty, who alleges the total or partial caducity of the same, or the injustice of its continuation, the Assembly by a two-thirds majority shall invite one or the other contracting parties to come to agreement with the first for the revision or cancellation of such treaty. If any of the contracting parties are not in agreement with the said revision or cancellation, the other one or more contracting parties shall be authorized to resort to the permanent international court of justice, in order that the latter by judgment may decide if the treaty in question has lost all or part of its compulsory force because of the fact that the conditions determining its execution have changed or that the treaty itself has become unjustly onerous for one or the other or the parties." 30

³⁰See Appendix IV pp. 166-7; See page 133 below for the paragraphs of the Dumbarton Oaks Proposal upon which the Brazilian Comment is based, as well as the text of the United Nations Charter.

-----DUMBARTON OAKS PROPOSALS • CHAPTER V-----

Section B. Functions and Powers

2. The General Assembly should be empowered to admit new members to the organization upon recommendation of the Security Council.

3. The General Assembly should, upon recommendation of the Security Council, be empowered to suspend from the exercise of any rights or privileges of membership any member of the Organization against which preventive or enforcement action shall have been taken by the Security Council. The exercise of the rights and privileges thus suspended may be restored by decision of the Security Council. The General Assembly should be empowered, upon recommendation of the Security Council, to expel from the Organization any member of the Organization which persistently violates the principles contained in the Charter.

Section C. Voting

2. Important decisions of the General Assembly, including recommendations with respect to the maintenance of international election of members of the Economic and Social Council; admission of members, suspension of the exercise of the rights and privileges of members, and expulsion of members;

---CHARTER OF THE UNITED NATIONS - CHAPTER IV - VOTING-----

Article 18

1. Each member of the General Assembly shall have one vote.

2. Decisions of the General Assembly on important questions shall be made by a two-thirds majority of the members present and voting. These questions shall include: recommendations with respect to the maintenance of international peace and security, the election of the non-permanent members of the Economic and Social Council, the election of members of the Trusteeship Council in accordance with paragraph 1 (c) of Article 86, the admission of new Members to the United Nations, the suspension of the rights and privileges of membership, the expulsion of Members, questions relating to the operation of the trusteeship system, and budgetary questions.

3. Decisions on other questions, including the determination of additional categories of questions to be decided by a two-thirds majority, shall be made by a majority of the members present and voting.

-----DUMBARTON OAKS PROPOSALS - CHAPTER V-----

Section B. Functions and Powers

8. The General Assembly should receive and consider annual and special reports from the Security Council and reports from other bodies of the Organization.

-----BRAZILIAN COMMENTS AND AMENDMENTS-----

The Brazilian Delegation submits the following amendment to Chapter V - The General Assembly - Section B, paragraph 8, of the Dumbarton Oaks Proposals:

The General Assembly should receive and discuss . . .
etc. ³¹

11. It deems advisable that the reports of the Security Council submitted to Assembly, pursuant to Paragraph 8, Section B, Chapter V of the project, should be not only studied there but also placed under discussion. ³²

-----CHARTER OF THE UNITED NATIONS - CHAPTER V-----

Article 15

1. The General Assembly shall receive and consider annual and special reports from the Security Council; these reports shall include an account of the measures that the Security Council has decided upon or taken to maintain international peace and security.

2. The General Assembly shall receive and consider reports from the other organs of the United Nations.

³¹See Appendix V, p. 193.

³²See Appendix III, p. 183.

DUMBARTON OAKS PROPOSALS - CHAPTER VI - THE SECURITY COUNCIL

Section A. Composition

The Security Council should consist of one representative of each of eleven members of the Organization. Representatives of the United States of America, the United Kingdom of Great Britain and Northern Ireland, the Union of Soviet Socialist Republics, the Republic of China, and in due course, France, should have permanent seats. The General Assembly should elect six states to fill the non-permanent seats. These six states should be elected for a term of two years, three retiring each year. They should not be immediately eligible for reelection. In the first election of the non-permanent members three would be chosen by the General Assembly for one-year term and three for two-year terms.

-----BRAZILIAN COMMENTS AND AMENDMENTS - CHAPTER VI-----

8. It understands that the Security Council, the organization which is provided for in Section A. of Chapter VI of the project, should consider the currents of opinion and interests of all the civilized world in order to provide rapid and comprehensive performance of its weighty duties, outstanding among which is primary responsibility for the maintenance of peace and international security, by deletion, according to the project (Section B, Paragraph 1, Chapter VI) of all the members of the organization in whose name it acts. It would seem, thus, that this body, with a view to the speed and efficaciousness of action required of it (Section B, paragraph 1) cannot do without the constant cooperation of South America, to which the granting of a permanent place in its midst is considered essential.³³

CHARTER OF THE UNITED NATIONS - CHAPTER V - THE SECURITY COUNCIL COMPOSITION Article 23

1. The Security Council shall consist of eleven Members of the United Nations. The Republic of China, France, the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland, and the United States of America shall be permanent members of the Security Council. The General Assembly shall elect six other Members of the United Nations to be non-permanent members of the Security Council, due regard being specially paid, in the first instance to the contribution of Members of the United Nations to the maintenance of international peace and security and to the other purposes of the Organization, and also to equitable geographical distribution.

³³See Appendix III, p. 183.

-----DUMBARTON OAKS PROPOSALS - CHAPTER VI-----

Section D. Procedure

4. Any member of the Organization should participate in the discussion of any question brought before the Security Council whenever the Security Council considers that the interests of that member of the Organization are specially affected.

5. Any member of the Organization not having a seat on the Security Council and any state not a member of the Organization, if it is a party to a dispute under consideration by the Security Council, should be invited to participate in the discussion relating to the dispute.

-----BRAZILIAN COMMENTS AND AMENDMENTS-----

7. It considers that a State convokes as a member ad hoc of the Security Council, Paragraphs 4 and 5, Section D, Chapter VI of the project, since it is involved in or party to a controversy submitted to that body, should have a voting status equal to that of titular members, it being believed that the latter, under such conditions, should not have the right to vote.³⁴

----CHARTER OF THE UNITED NATIONS - CHAPTER V - PROCEDURE---

Article 31

Any Member of the United Nations which is not a member of the Security Council may participate, without vote, in the discussion of any question brought before the Security Council whenever the latter considers that the interests of that Member are specially affected.

Article 32

Any Member of the United Nations which is not a member of the Security Council or any state which is not a Member of the United Nations, if it is a party to a dispute under consideration by the Security Council, shall be invited to participate, without vote, in the discussion relating to the dispute. The Security Council shall lay down such conditions as it deems just for the participation of a state which is not a Member of the United Nations.

³⁴See Appendix III, pp. 181-182.

-----DUMBARTON OAKS PROPOSALS - CHAPTER VIII-----

ARRANGEMENTS FOR THE MAINTENANCE OF INTERNATIONAL PEACE AND SECURITY INCLUDING PREVENTION AND SUPPRESSION OF AGGRESSION

Section A. Pacific Settlement of Disputes³⁵

1. The Security Council should be empowered to investigate any dispute, or any situation which may lead to international friction or give rise to a dispute, in order to determine whether its continuance is likely to endanger the maintenance of international peace and security.

2. Any state, whether member of the Organization or not, may bring any such dispute or situation to the attention of the General Assembly or of the Security Council.

3. The parties to any dispute the continuance of which is likely to endanger the maintenance of international peace and security should obligate themselves, first of all, to seek a solution by negotiation, mediation, conciliation, arbitration or judicial settlement, or other peaceful means of their own choice. The Security Council should call upon the parties to settle their dispute by such means.

4. If nevertheless, parties to a dispute of the nature referred to in paragraph 3 above fail to settle it by the means indicated in that paragraph, they should obligate themselves to refer it to the Security Council. The Security Council should in each case decide whether or not the continuance of the particular dispute is in fact likely to endanger the maintenance of international peace and security, and accordingly, whether the Security Council should deal with the dispute, and, if so, whether it should take action under Paragraph 5.

5. The Security Council should be empowered, at any stage of a dispute of the nature referred to in paragraph 3 above, to recommend appropriate procedures or methods of adjustment.

6. Justiciable disputes should normally be referred to the international court of justice. The Security Council should be empowered to refer to the court, for advice, legal questions connected with other disputes.

7. The provisions of paragraph 1 to 6 or Section A should not apply to situations or disputes arising out of matters which by international law are solely within the domestic jurisdiction of the state concerned.

³⁵See page 138 below for Brazilian Comments on Chapter VIII, Section A of the Dumbarton Oaks Proposals.

-----BRAZILIAN COMMENTS AND AMENDMENTS - CHAPTER VIII-----

The Delegation of Brazil believes that, in the case referred to in Chapter VIII, Section A, paragraph 7, the qualification of questions that, by international law, are of the exclusive competence of a State should be referred to the permanent international court of justice in order to avoid all undue freedom in the matter. The Delegation therefore suggests that to Section A there be added a paragraph 8 as follows:

"If, in some controversy, one of the litigating States alleges that the controversial question falls solely within its domestic jurisdiction, it shall be the duty of the Permanent International Court of Justice to make a pronouncement on the matter at the request of one of the parties or of the Security Council. If the decision of the Court is in the affirmative, and the parties do not reach an agreement by means of diplomatic negotiation, the litigation shall be submitted to the procedure of conciliation. If this method fails, the case should be decided by arbitration."³⁶

5. It seems desirable that the pact to be drawn up should make mention that when a controversy, under 4, 5, and 6 of Section A, Chapter VIII of the project, does not reach a solution by agreement between the parties, the Security Council should submit the question to the International Court of Justice, or to a Court of Arbitration to be organized in accordance with the methods foreseen in the Geneva Protocol of October 2, 1924, depending upon whether or not it deals with a conflict of a juridical nature, excepting, however, the questions dealt with in paragraph 7 -- questions which international law leaves to the exclusive competence of each state. It seems to it that the action of the Security Council should only make itself felt, in these cases, for the purpose, and to maintain and restore peace, or to assure the fulfillment of a judgment.³⁷

³⁶ See Appendix IV, p. 190.

³⁷ See Appendix III, p. 182.

-----BRAZILIAN COMMENTS AND AMENDMENTS - CHAPTER VIII-----

6. It is believed to be indispensable that decision should not be left to the interested party, during the course of a controversy in which peace is endangered, as to whether it should be included among those questions which international law leaves to the exclusive competence of the interested state (Paragraph 7, Section A, Chapter VIII), it being deemed advisable that, in each case, the classification of these questions be referred to the International Court of Justice at the request of one of the parties or of the Security Council. It is understood that, if the decision of the Court is affirmative, the Security Council should take measures, if necessary, to prevent any disturbance of peace and international security, and that, if the Court should decide that the controversy is not of such a character, the Council should submit to the processes prescribed in the pact to be drawn up, for the pacific solution of international conflicts.³⁸

-----CHARTER OF THE UNITED NATIONS - CHAPTER V-----

Article 36

1. The Security Council may, at any state of dispute of the nature referred to in Article 33 or of a situation of like nature, recommend appropriate procedures or methods of adjustment.

2. The Security Council should take into consideration any procedures for the settlement of the dispute which have already been adopted by the parties.

3. In making recommendations under this Article the Security Council should also take into consideration that legal disputes should as a general rule be referred by the parties to the International Court of Justice in accordance with the provisions of the Statute of the Court.

³⁸See Appendix III, p. 182.

-----DUMBARTON OAKS PROPOSALS-----

Section C. Regional Arrangements

1. Nothing in the Charter should preclude the existence of regional arrangements or agencies for dealing with such matters relating to the maintenance of international peace and security as are appropriate for regional action, provided such arrangements or agencies and their activities are consistent with the purposes and principles of the Organization. The Security Council should encourage settlement of local disputes through such regional arrangements or by such regional agencies, either on the initiative of the states concerned or by reference from the Security Council.

2. The Security Council should, where appropriate, utilize such arrangements or agencies for enforcement action under its authority, but no enforcement action should be taken under regional arrangements or by regional agencies without the authorization of the Security Council.

3. The Security Council should at all times be kept fully informed of activities undertaken or in contemplation under regional arrangements or by regional agencies for the maintenance of international peace and security.

-----BRAZILIAN COMMENTS AND AMENDMENTS-----

A paragraph reading more or less as follows should be inserted into Section C:

"The solution of questions of exclusive interest to an already organized regional group, as for example the inter-American group, should be left to the methods employed among the components of said group, so that the intervention of the Security Council will be justified only when such questions may endanger the peace of some other group of nations."³⁹

9. It is of the opinion that the questions of exclusively regional groups referred to in paragraphs 1, 2, and 3, Section C, Chapter VIII of the project, should be resolved by them, the intervention of the Security Council in the solution of these questions only being justified when they endanger the peace of more than one regional group.⁴⁰

³⁹See Appendix IV, p.

⁴⁰See Appendix III, p. ; United Nations Charter, Provisions for Regional Arrangements on page 27 below.

-----CHARTER OF THE UNITED NATIONS - CHAPTER VIII-----

Regional Arrangements

Article 52

1. Nothing in the present Charter precludes the existence of regional arrangements or agencies for dealing with such matters relating to the maintenance of international peace and security as are appropriate for regional action, provided that such arrangements or agencies and their activities are consistent with the Purposes and Principles of the United Nations.

2. The Members of the United Nations entering into such arrangements or constituting such agencies shall make every effort to achieve pacific settlement of local disputes through such regional arrangements or by such regional agencies before referring them to the Security Council.

3. The Security Council shall encourage the development of pacific settlement of local disputes through such regional arrangements or by such regional agencies either on the initiative of the states concerned or by reference from the Security Council.

4. This Article in no way impairs the application of Articles 34 and 35.

Article 53

1. The Security Council shall, where appropriate, utilize such regional arrangements or agencies for enforcement action under its authority. But no enforcement action shall be taken under regional arrangements or by regional agencies without the authorization of the Security Council, with the exception of measures against any enemy state, as defined in paragraph 2 of this Article, provided for pursuant to Article 107 or in regional arrangements directed against renewal of aggressive policy on the part of any such state, until such time as the Organization may, on request of the Governments concerned, be charged with the responsibility for preventing further aggression by such a state.

-----DUMBARTON OAKS PROPOSALS - CHAPTER IX-----

ARRANGEMENTS FOR INTERNATIONAL ECONOMIC AND SOCIAL COOPERATION

Section A. Purposes and Relationships

1. With a view to the creation of conditions of stability and well-being which are necessary for peaceful and friendly relations among nations, the Organization should facilitate solutions of international economic, social and other humanitarian problems and promote respect for human rights and fundamental freedoms. Responsibility for the discharge of this function should be vested in the General Assembly and, under the authority of the General Assembly, in an Economic and Social Council.

2. The various specialized economic, social and other organizations and agencies would have responsibilities in their respective fields as defined in their statutes. Each such organization or agency should be brought into relationship with the Organization on terms to be determined by agreement between the Economic and Social Council and the appropriate authorities of the specialized organization or agency, subject to approval by the General Assembly.

-----BRAZILIAN COMMENTS AND AMENDMENTS - CHAPTER IX-----

The Brazilian Delegation submits the following amendment to Chapter IX, Arrangements for International Economic and Social Cooperation, Section A, Purpose and Relationship, Paragraph 2, of the Dumbarton Oaks Proposals:

to approval by the General Assembly. On all questions of an economic, social or humanitarian nature for which such aforementioned specialized economic, social, and other organizations are responsible, the Organization shall take cognizance through the intermediary of and after consideration by the Economic and Social Council.⁴¹

The Brazilian Delegation submits the following amendment to Chapter IX, Arrangements for International Economic and Social Cooperation, Section A, purposes and Relationships, paragraph 1, of the Dumbarton Oaks Proposals:

economic, social health and other humanitarian problems etc.⁴²

⁴¹See Appendix V, p. 196.

⁴²Ibid. For United Nations Charter, Provisions for International Economic and Social Cooperation see page 142 below.

-----CHARTER OF THE UNITED NATIONS - CHAPTER IX-----

International Economic and Social Cooperation

Article 55

With a view to the creation of conditions of stability and well-being which are necessary for peaceful and friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples, the United Nations shall promote:

- a. higher standards of living, full employment, and conditions of economic and social progress and development;
- b. solutions of international economic, social, health and related problems; and international cultural and educational cooperation; and
- c. universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language, or religion.

Article 56

All Members pledge themselves to take joint and separate action in cooperation with the Organization for the achievement of the purposes set forth in Article 55.

Article 57

1. The various specialized agencies, established by intergovernmental agreement and having wide international responsibilities, as defined in their basic instruments, in economic, social cultural, educational, health, and related fields, shall be brought into relationship with the United Nations in accordance with the provisions of Article 63.

2. Such agencies thus brought into relationship with the United Nations are hereinafter referred to as specialized agencies.

Article 58

The Organization shall make recommendations for the co-ordination of the policies and activities of the specialized agencies.

-----DUMBARTON OAKS PROPOSALS - CHAPTER IX-----

Section C. Functions and Powers of the Economic and Social Council.

1. The Economic and Social Council should be empowered:
 - a. to carry out, within the scope of its functions, recommendations of the General Assembly;
 - b. to make recommendations, on its own initiative, with respect to international economic, social and other humanitarian matters;

-----BRAZILIAN COMMENTS AND AMENDMENTS-----

The Brazilian Delegation submits the following amendment to the Dumbarton Oaks Proposals:

Modify the title of Chapter IX to Arrangements for International Economic, Social, and Cultural Cooperation, and add the following paragraph to the end of said chapter:

With a view to preserving, increasing, and disseminating the common cultural heritage of mankind, the Organization should promote the development of science and of art, the spread of knowledge and the use of the powerful methods of communication now available for education towards a more peaceful and happier way of life. Responsibility for the discharge of these functions should be vested in the General Assembly and under the authority of the General Assembly in a Council of Cultural Relations. This Council should be organized on the same general lines provided for the Economic and Social Council.⁴³

-----CHARTER OF THE UNITED NATIONS - CHAPTER X-----

THE ECONOMIC AND SOCIAL COUNCIL - FUNCTIONS AND POWERS

Article 62

1. The Economic and Social Council may make or initiate studies and reports with respect to international economic, social, cultural, educational, health, and related matters and may make recommendations with respect to any such matters to the General Assembly, to the Members of the United Nations, and to the specialized agencies concerned.

⁴³See Appendix V, pp. 195-195.

-----DUMBARTON OAKS PROPOSALS - CHAPTER IX-----

Section D. Organization and Procedure

1. The Economic and Social Council should set up an economic commission, and such other commissions as may be required. These commissions should consist of experts. There should be a permanent staff which should constitute a part of the Secretariat of the Organization.

-----BRAZILIAN COMMENTS AND AMENDMENTS-----

The Brazilian Delegation submits the following amendment to Chapter IX, Arrangements for International Economic and Social Cooperation, Section D, Organization and Procedure, paragraph 1, of the Dumbarton Oaks Proposals:

a social commission, a health commission and
such other commissions etc.⁴⁴

-----CHARTER OF THE UNITED NATIONS - CHAPTER X-----

PROCEDURE

Article 68

The Economic and Social Council shall set up commissions in economic and social fields and for the promotion of human rights, and such other commissions as may be required for the performance of its functions.

⁴⁴Ibid., p. 193.

-----DUMBARTON OAKS PROPOSALS - CHAPTER X - THE SECRETARIAT--

1. There should be a Secretariat comprising a Secretary-General and such staff as may be required. The Secretary-General should be the chief administrative officer of the Organization. He should be elected by the General Assembly, on recommendation of the Security Council, for such term and under such conditions as are specified in the Charter.

-----BRAZILIAN COMMENTS AND AMENDMENTS-----

Following amendment to Chapter X, the Secretariat, paragraph of the Dumbarton Oaks Proposals:

1. There should be a Secretariat comprising a Secretary-General and such staff as may be required, all positions being open equally to men and women.

JUSTIFICATION

This proposal is in agreement with the continuous development on international law and policy, as reflected in the Covenant of the League of Nations, Article VII, Paragraph 3, which reads: "All positions under or in connection with the League, including that of the Secretariat, shall be open equally to men and women," and more recently reaffirmed by the Inter-American Conference on Problems of War and Peace.⁴⁵

-----CHARTER OF THE UNITED NATIONS - CHAPTER XV-----

The Secretariat

Article 101

1. The staff shall be appointed by the Secretary-General under regulations established by the General Assembly.

2. Appropriate staffs shall be permanently assigned to the Economic and Social Council, the Trusteeship Council, and as required, to other organs of the United Nations. These staffs shall form a part of the Secretariat.

3. The paramount consideration in the employment of the staff and in the determination of the conditions of service shall be the necessity of securing the highest standards of efficiency, competence, and integrity. Due regard shall be paid to the importance of recruiting the staff on as wide a geographical basis as possible.

⁴⁵UNCIO Documents, Doc. 2 G/25, pp. 602-603. Also see United Nations Charter, Chapter III, Article 8, p. 130 above.

-----DUMBARTON OAKS PROPOSALS • CHAPTER XI - AMENDMENTS-----

Amendments should come into force for all members of the Organization, when they have been adopted by a vote of two-thirds of the members of the General Assembly and ratified in accordance with their respective constitutional processes by the members of the Organization having permanent membership on the Security Council and by a majority of the other members of the Organization.

-----BRAZILIAN COMMENTS AND AMENDMENTS - CHAPTER XI-----

The Delegation of Brazil desires that the procedure of amending the Charter of the new organization be less rigid than is established in this Chapter. To require that any amendment already adopted by two-thirds of the Assembly may not enter into force without having been ratified by all the permanent members of the Security Council and by the majority of the other members of the Organization makes any future modification of essential points difficult. The Delegation of Brazil suggests that the entrance into force of any amendment should depend upon ratification by two-thirds of the Assembly and two-thirds of the Council.

Accordingly, the end of the constitutional article of this Chapter should be written as follows:

and ratified in accordance with their respective countries represented on the Security Council and by two-thirds of all the members of the Organization."⁴⁶

The Brazilian Delegation submits the following amendment to the Dumbarton Oaks Proposals:

Substitution of Chapter XI by the following:

The General Assembly shall meet every five years, as counting from the date of the first formal meeting of the Organization, either prior to or simultaneously with the annual session, with the object of revising the Charter, decisions that may be taken in such extraordinary sessions being a majority of two-thirds of the votes.⁴⁷

⁴⁶See Appendix IV, p. 191.

⁴⁷See Appendix V, pp. 193-194.

-----BRAZILIAN COMMENTS AND AMENDMENTS-----

JUSTIFICATION [For Charter Revision Amendment]

The procedure for amendment of the Charter provided for under Chapter XI of the Dumbarton Oaks Proposals renders it almost impossible to carry through an amendment since ratification by the five members having permanent seats on the Security Council and by the majority of the other members of the Organization is required, besides a majority of two-thirds of the votes of the General Assembly. The periodic revision would not necessarily imply in modifications of the Charter at each five-year period and would relieve four out of five annual assemblies of the agitation attendant upon the presentation of amendments. Furthermore, the adoption of such a revision would allay the discontent existing among the various delegations which consider the powers delegated to the permanent members of the Security Council as being excessive.⁴⁸

-----CHARTER OF THE UNITED NATIONS - CHAPTER XVIII-----

Amendments

Article 108

Amendments to the present Charter shall come into force for all Members of the United Nations when they have been adopted by a vote of two-thirds of the members of the General Assembly and ratified in accordance with their respective constitutional processes by two-thirds of the Members of the United Nations, including all the permanent members of the Security Council.

Article 109

1. A General Conference of the members of the United Nations for the purpose of reviewing the present Charter may be held at a date and place to be fixed by a two-thirds vote of the members of the General Assembly and by a vote of any seven members of the Security Council. Each Member of the United Nations shall have one vote in the conference.

2. Any alteration of the present Charter recommended by a two-thirds vote of the conference shall take effect when ratified in accordance with their respective constitutional processes by two-thirds of the Members of the United Nations including all the permanent members of the Security Council.

3. If such a conference has not been held before the tenth annual session of the General Assembly following the coming into force of the present Charter, the proposal to call such a conference shall be placed on the agenda of that session of the General Assembly, and the conference shall be held if so decided by a majority vote of the members of the General Assembly and by a vote of any seven members of the Security Council.

CHAPTER VIII

THE BRAZILIAN DELEGATION AT THE UNITED NATIONS CONFERENCE ON INTERNATIONAL ORGANIZATION

The Brazilian Delegates and their Role at the San Francisco Conference

The Brazilian Government was represented at the San Francisco Conference on International Organization by some of its ablest and most seasoned diplomats. There was no "Ruy Barbosa" present to lead the middle and smaller powers in opposition to big power supremacy in world organization;¹ nor was there a "Mello-Franco" in the Brazilian Delegation to reiterate Brazil's past accomplishments as a claim to greater preeminence for his country in world organization.² Rather, the Brazilian delegates at the San Francisco Conference were exponents of the "nova diplomacia" era which championed cooperation with the other American nations in pursuance of the Good Neighbor Policy. More than at any other general conference on international organization in which Brazil had participated up to this time, the Brazilian

¹See Chapter II above.

²See page 32 above.

Delegation actively participated as one of the American republics, rather than as the American nation that had earned the right to represent South America.

The Chairman of the Brazilian Delegation at San Francisco was Foreign Minister Pedro Leao Velloso.³ Well schooled in international politics, Senhor Velloso had served in the Brazilian legations at Rome, Paris, Berne, and Copenhagen from 1910 to 1918. He was secretary of the Brazilian Delegation to the Versailles Peace Conference after World War I, and had served as a Brazilian representative to the League of Nations. He was Brazilian Minister to China from 1929 to 1935, and then Ambassador to Japan until 1939. He then served as Secretary General of the Brazilian Ministry of Foreign Affairs during the war years, until he became Minister of Foreign Affairs under the Vargas Regime in 1944. Senhor Velloso headed the Brazilian Delegation to the Mexico City Conference of American States, where he cooperated with both the United States and the rest of the Latin American states in an effort to unite and prepare the American nations for their part in the Conference on International Organization. At the San Francisco Conference he was assigned as

³UNCIO Documents, Vol. XV, p. 568; for a short biography of each Delegate see Year Book of the United Nations, 1946-47, "Who's Who in the United Nations" (New York: United Nations Department of Information, 1947), pp. 917-953.

one of the Brazilian representatives to Commissions II and III, which were respectively concerned with matters relating to the General Assembly and the Security Council. In this capacity, Senhor Velloso proclaimed Brazil's position regarding the equality of states and the place of the American regional system in world organization. At the same time he stated that Brazil was willing to vote with the majority on major issues rather than to place an impediment in the path of world organization.

Carlos Martins, the Brazilian Ambassador to the United States, served as Vice-Chairman of the Brazilian Delegation.⁴ He had previously served as Ambassador to Japan, Denmark and Belgium, and was Chairman of the Brazilian delegation to the First Meeting of American Foreign Ministers held at Panama in 1939. Senhor Martins had also been a Brazilian delegate to the Inter-American Conference on problems of War and Peace, and as Ambassador to the United States he had been active in furthering economic and political cooperation between Brazil and the United States. At San Francisco he was assigned to the following Committees: Committee I/1 (Preamble, Purposes and Principles); Committee

⁴Ibid.

II/1 (General Assembly -- Structure and Procedures); Committee II/3 (Economic and Social Cooperation); Committee II/4 (Trusteeship System); and Commission III (Security Council).

Senhor Antonio Cammilo de Oliveira had served on the Brazilian Legation at Paris, and had been Minister to La Paz and Costa Rica.⁵ He was Acting Secretary General of the Ministry of Foreign Affairs of Brazil at the time of his assignment of Delegate to the San Francisco Conferences. Senhor Cammilo de Oliveira had been a member of the Commission of Jurists at Washington in 1945, which prepared him for his assignment at San Francisco on Committee IV/1 (International Court of Justice).

One of the most active of the Brazilian Delegates in her participation at the San Francisco Conference was Dr. Bertha Lutz, President of the Brazilian Federation for the Advancement of Women.⁶ She had represented Brazil at the International Conferences for Women held at Rome in 1923 and Berlin in 1929. Dr. Lutz assumed an exceptionally active role during the discussions on world health, human rights, and equal rights for women.

⁵ Ibid.

⁶ Ibid.

The Secretary General of the Brazilian Delegation at San Francisco was Henrique de Souza Gomes.⁷ He had previously served as Chief of Staff of the Brazilian Ministry of Foreign Relations, and was at one time secretary to the Brazilian Embassies at Montevideo and later at Rome. At San Francisco he was assigned to Commissions II and IV.

The other members of the Brazilian Delegation were: Mario de Mello-Franco, advisor; Cyro de Freitas Valle; Jose de Alencar Netto; Geraldo de Paulo Souza; Vicente Galliez; Octavio Brito; Major Brigadier Armando Trompowsky; Rear Admiral Sylvio do Noronha; and Major General Estevao Leitao de Carvalho. Many of these Delegates had served as military, economic, or political specialists at previous inter-American or other international conferences.⁸

The Brazilian Delegates worked in close harmony with the Delegations of the United States and the other Latin American Republics at the San Francisco Conference. They also supported many proposals presented by middle-power countries, such as Canada and Australia. An example of this middle-power cooperation would be the joint effort of Canada and Brazil to provide for an automatic provision for revising the Charter of the United Nations at the expiration of a set time.

⁷Ibid.

⁸Ibid.

Brazil was represented on every Committee at the San Francisco Conference. As a rule, the proposals and declarations made by the Brazilian Delegates followed the general pattern set by Brazilian delegates at past international conferences. The main emphasis was placed on:

- (1) the relationship between medium, small, and great powers;
- (2) the election provisions for the Judges of the International Court of Justice; and (3) the jurisdiction of the international Court of Justice.

Other projects sponsored by the Brazilian Delegation which received favorable support at the San Francisco Conference were: (1) the formation of a world health organization; (2) and equal rights for women.

Many of the Brazilian proposals and amendments were discussed at the San Francisco Conference, either on their own merit or because of their similarity or dissimilarity to amendments submitted by other delegations. It is interesting to note the way in which the Brazilian Delegates rather passively accepted the defeat of principles which had been bitterly defended by Brazilian statesmen in the past. Accepting defeat on some issues did not diminish Brazil's status in the United Nations Organization. On the contrary, she was to become one of the six nations elected to non-permanent seats on the Security Council, and a Brazilian diplomat was to become President of the First Special Session of the General Assembly in 1947.

The realistic approach adopted by Brazil toward international relations at the time of the San Francisco Conference was far more effective than her previous idealistic approach to international organization. Brazil did not abandon her traditional principles based on international law and the sovereign equality of states. However, Brazilian Delegates at San Francisco did approach these concepts in a more realistic manner than that which led to the withdrawal of Brazil from the League of Nations. Much of the oration and enthusiasm which had been expended by Brazilian diplomats at past conferences in support of theoretical principles was now turned to the promulgation of such ideas as a world health organization and equal rights for women.

Brazil's Concept of the Relationship Between
Medium, Small, and Great Powers

The Brazilian Delegation did not fail to voice their concept of the juridical equality of states at the San Francisco Conference. However, this traditional concept was clearly prefaced by an admission that Brazil was "firmly determined to cooperate in the establishment of the United Nations Organization,"⁹ and that it would vote for a provision which it firmly opposed in principle -- the veto

⁹UNCIO Documents, Vol. VIII, p. 352.

prerogative of a great power on the Security Council -- if "its vote would help to make a majority in favor of it."¹⁰ Even though Brazil announced that she opposed the veto and large power predominance in principle, no moves were made to create a deadlock between the large powers and the smaller powers. When a Brazilian Delegate did propound the theory of the juridical equality of states, he usually prefaced his remarks with a reference to reality or unavoidable inequalities, as was the case in the address delivered by the Brazilian Foreign Minister at the last plenary session of the Conference on June 26. He made the following observations:

In the international as well as in the social field inequalities are unavoidable. They are derived from geographical, economic, and historic factors which contributed to the formation of the nations of the earth. The remedy for this is to be found only in the principles and in the rule of law and justice. Before the law there are no great, medium, or small powers. All have the same integrity, and their complete independence. The nations here represented in one way or another fought with the means at their disposal against the forces of a philosophy which stood for the very opposite of the concepts just mentioned. They are firmly disposed to cooperate, each within its own sphere, so that respect for law shall be the basic principle of their relationship and in order that the use of force be permitted only when it becomes necessary to enforce that respect.¹¹

The Brazilian Delegation recognized that the "powerful nations, who are the only ones who can be successful

¹⁰Ibid.

¹¹Ibid. Vol. I, pp. 671-72.

aggressors, will have to go on being the keepers of the peace," and that the smaller nations who live in the "war belt" will continue to look to them for generous protection and ample defense. Brazil, according to Dr. Lutz, was not in the position of the nations dependent on a larger power for defense, but was of a "group of nations more fortunate in their larger territories, in their wide open spaces, in their distance from the centers which usually lead to the disturbance of the peace." In this latter class of nations Brazil placed Latin America and the overseas Dominions of the British Commonwealth. The special task of this class of nations was to temper necessity with liberality. As such a country, Brazil, together with Canada, took a prominent place in the battle for the revision of the Charter.

After declaring that Brazil was one of the first and most ardent advocates of a flexible Charter through the possibility of total revision, the Brazilian Delegation pointed out that the Charter was being prepared during a critical and unusual time. With the shadow of conflict still resting on a "weary and disillusioned world," the Brazilian Delegation felt that the world situation prompted an acceptance of great power predominance. However, according to the plan outlined by the Brazilian and Canadian Delegations, this arrangement which assured big power predominance should

be corrected when world conditions warranted such a change. The Brazilian Delegation gave the following resume of the effort launched and supported by Brazil to obtain a flexible provision for the future revision of the Charter:

By its very nature, and the circumstances attendant on its birth, the Charter is an admixture of a multiple treaty and of a document of international law of a constitutional nature, aiming towards a real union of nations. It is consequently amphibolous and will probably need considerable readjustment according to which trend ultimately prevails. Very early in the Conference Brazil presented an amendment permitting periodical revision and later, it fused it with a Canadian amendment which called for a total revision within a given period of time. During all the debates in the sub-committee and the committee it was the Brazilian and the Canadian proposals, and later the Brazilian-Canadian amendment which was discussed. At a much later stage, the South African Delegation offered a new text which was acceptable to us since it also set a maximum period of years -- ten -- within which a revision of the Charter as a whole was to be done. It was only after the two amendments failed to receive a total majority of the two-thirds required that the present text came before the Committee. We were very near attaining the required majority, which in this Conference has proved so unusually difficult to get. Our proposal which was supported by New Zealand and Australia, and favored by all South America and by Cuba, would have been victorious had two more South American countries been present when it was voted. The South African amendment was also within victory by two-thirds and it also lacked two votes only, failing by a vote of two to secure the ample revision which Brazil felt would give the Charter the necessary flexibility. We have been forced to accept the next best possibility, which is the present text. This makes revision possible just after the tenth year, but it is provided only if it is asked for.¹²

Pointing out that the League of Nations began to disintegrate after Japan's attitude on unanimity when amendments were concerned, Dr. Lutz made the following predictions

¹²Ibid., Vol. VI, pp. 178-180.

for the provisions for revision which were written into the Charter:

It is possible that permanent unanimity will prove feasible and that it will prove even wise. Should it not do so, there will be two trends open to the Charter in the course of its evolution. It may gradually work towards a Five Power pact with the sentiment of the small nations, especially of Europe, for being directly threatened by war, will accept whatever protection is available to them; or, the veto will prove itself unpracticable. Should that be so, it will be found necessary to convoke a special conference for revision ... Given sufficient time, the Organization will reveal the virtues and the defects of its structure, and indicate what adjustments are necessary to make survival possible, and to bring about peace and justice.¹³

It is evident that Brazil felt that too much power was being delegated to the greater powers of the Security Council. Their stand for an automatic revision clause in the Charter was to give the medium and smaller powers a chance to adjust this situation when world affairs reached a more stable condition. Brazil gave way to the demands of the Big Five, but wanted to retain a chance for a rebuttal at a later date.

Brazilian Proposal on the Election of Judges for the International Court of Justice

Brazil still looked to the structure and organization of a world court as the first step toward attaining equality of states. The system of electing judges to this court was therefore very important in the opinion of the Brazilian

¹³Ibid.

Delegation. As had been the case twenty-five years before at Versailles, Brazil preferred the double election system in order that both the General Assembly and the Security Council would back the Court's decisions. This dual election system won the support of the majority of the nations represented on Committee IV/1, and was incorporated into the Charter of the International Court of Justice.¹⁴ In a statement made by the Brazilian Delegate to the Ninth Meeting of Committee IV/1 (International Court of Justice), it was pointed out that the dual system of election of judges by the Security Council and the General Assembly, irrespective of their nationality, was a definite gain for the small states.¹⁵ This rule defeated the argument which the great powers presented for direct representation on the International Court of Justice.

Brazil's Views on Appellate and Compulsory Jurisdiction
of the World Court

In regards to the jurisdiction of the International Court of Justice, Brazil would "vest the Court with compulsory jurisdiction to consider, setting as a court of appeal, petitions for review of judgments rendered by courts

¹⁴Statute of the International Court of Justice, Chapter I, Article 4.

¹⁵UNCIO Documents, Vol. XIII, p. 136.

of arbitration."¹⁶ recalling that this idea was not new, the Brazilian Delegate stated that appellate jurisdiction of the Court was the subject of study of a Committee of Jurists appointed by the League of Nations.

The Venezuelan Delegation to the San Francisco Conference had presented an amendment to Article 34 (jurisdiction of the Court which would: (1) enable the Court to settle conflicts of jurisdiction between intergovernmental international organizations dependent upon the United Nations; (2) and would empower the Court to hear appeals from other international administrative tribunals dependent upon the United Nations.¹⁷ The Brazilian Delegate supported the Venezuelan amendment, but would have enlarged the jurisdiction of the Court even more by allowing it to hear appeals from any arbitral tribunal.¹⁸

It will be remembered that the Brazilian legal expert, Senhor Fernandes, had been mainly responsible for the adoption by the "Optional Clause" which permitted the member nations to accept or reject the compulsory jurisdiction of the Court.¹⁹ When Article 36 (the Optional Clause) of the

¹⁶Ibid., p. 221.

¹⁷Ibid., p. 480.

¹⁸Ibid., p. 217.

¹⁹See page 22 above.

Charter of the Court came up for discussion at San Francisco, before the Committee of Jurists of the United Nations, Senhor Oliveira of Brazil stated that his government felt that the time was right to amend this Article so that the jurisdiction of the Court would be obligatory for all categories of disputes enumerated in Article 36, which would automatically eliminate the Optional Clause provision. The Brazilian Delegate felt that this would be a great step forward in the United Nations' effort to maintain peace. Recalling the effort to effect compulsory jurisdiction of the Court in 1929, the Brazilian delegate said:

In 1920, when the first Statute was voted, it was not possible to go further. There were several reasons. One of them, the main one, was that it was thought that there was contradiction between the obligatory character of the Court's jurisdiction with Article 12 of the Pact of the League of Nations. Article 12 of the Pact of the League of Nations let the solution of international disputes be left up to the parties, who were free to choose a judicial means of settlement or to ask the Council for a decision. That is why this optional clause was inserted. Since 1920 the idea of making the Court's jurisdiction obligatory has greatly advanced.²⁰

During the fourteenth meeting of Committee IV/1, the Brazilian Delegate stated that his government was anxious to get unanimous approval on this question of compulsory jurisdiction of the Court and would be in favor of a solution which would carry the greater majority, however, he stated his preference for the principle of compulsory

²⁰UNCIO Documents, Vol. XIII, pp. 191-92; Vol. XIV, pp. 146-47.

jurisdiction, on the ground that the "prestige of the Court, continuity of its work, and the high moral character of the judges gave full guaranty of impartiality to all parties concerned."²¹

The Delegates of the United States and the U.S.S.R. immediately announced that their governments favored the retention of the Optional Clause.²² Great Britain's Delegate, on the other hand, stated that his government had signed the optional clause sixteen years before. A majority of the states represented on Committee IV/1 favored the adoption of compulsory jurisdiction of the Court, but due to the objection of the two Big Powers -- the United States and Russia -- the optional clause was not eliminated from the Charter of the Court. Concluding its report on the question, a sub-committee assigned to this task reported the following:

The desire to establish compulsory jurisdiction for the Court prevailed among the majority of the Sub-Committee. However, some of these delegates feared that the insistence upon the realization of that ideal would only impair the possibility of obtaining general accord to the Statute of the Court as well as to the Charter itself. It is in that spirit that the ... First Committee decided by 31 votes to 14 to retain the optional provision for compulsory jurisdiction. At the same time a majority of the members of the First Committee favored making the Court's jurisdiction compulsory, and some of these stated that they voted for the text only to achieve

²¹Ibid., Vol. XIII, p. 224.

²²Ibid., p. 226.

agreement. Formal declarations were made by several delegates to the effect that their vote did not indicate their state's views on the question of principle.²³

Brazil, along with most of the middle-power and smaller states, insisted that the following recommendation be adopted by Committee IV/ 1 at its 20th meeting on June 7:

To ask the Conference of the United Nations to recommend to the members of the Organization that as soon as possible they make declarations recognizing the obligatory jurisdiction of the International Court of Justice according to the provisions of Article 36 of the Statute."²⁴

Brazil as a Sponsor of the World Health Organization

The Brazilian Delegation took a special interest in the establishment of a permanent world health organization. The Brazilian government favored the establishment of a single world health agency, which was to function as a specialized agency under the auspices of the Economic and Social Council.²⁵ Recognizing that public health is principally a national concern, the Brazilian Delegation pointed out that distance no longer served as a barrier to the spread of disease. Citing as an example the fact that Malaria had twice been transplanted from Africa to Brazil, the Brazilian government felt that an international inspection or control should be established to prevent, insofar as possible the spread

²³Ibid., p. 336.

²⁴Ibid.

²⁵UNCIO Documents, Vol. X, pp. 107-111.

of disease from one continent to another by means of ships or aircraft.²⁶ The Brazilian Delegation submitted the following addition to Chapter XII, Transitional Arrangements, of the Dumbarton Oaks Proposals:

Each Government member of the Organization shall be entitled to designate a representative to form an interim commission to study and to make recommendation regarding the establishment of an International Health Organization.

The interim commission shall be installed in a city to be designated by the Presidents of the Conference not later than two months after such designation.

The interim commission in preparing the plan for the permanent health organization shall give full consideration to the relation of the permanent organization and to methods of associating it with other institutions, national as well as international, which already exists or which may hereafter be established in the field of health.²⁷

In addition to recommending the establishment of an interim commission to prepare plans for a permanent world health organization, the Brazilian Delegation proposed that the word "health" be included in the Charter, with "specific inclusion of an international health agency."²⁸

In the course of the deliberations of Committee II/3 (Economic and Social Cooperation), the Brazilian suggestions were combined with similar proposals which had been presented by the Chinese government. Following is the text of the "Joint Declaration regarding International Health

²⁶Ibid.

²⁷See Appendix V, page

²⁸UNCIO Documents, Vol. X, p. 111.

Cooperation" which was submitted to Committee II/3 by the Delegations of Brazil and China:

The Delegations of Brazil and China recommend that a general conference be convened within the next few months for the purpose of establishing an international health organization.

They intend to consult further with the representatives of other delegations with a view to the early coming of such a general conference, to which each of the governments here represented will be invited to send representatives.

They recommend that, in the preparation of a plan for the international health organization, full consideration should be given to the relation of such organization to methods of associating it with other institutions, national as well as international, which already exist or which may hereafter be established in the field of health.

They recommend that the proposed international health organization be brought into relationship with the Economic and Social Council.²⁹

During the thirteenth meeting of Committee II/3 it was voted unanimously that this Committee "associate itself with the joint Brazilian-Chinese Declaration."³⁰ Representatives of thirteen delegations spoke in favor of the Declaration, and the representatives of the Food and Agriculture Organization and the International Labor Organization said that their organizations would cooperate closely with any proposed health agency.³¹

²⁹Ibid., Vol. VII, p. 95.

³⁰Ibid., Vol. X, p. 121.

³¹Ibid.

The specific mention of the creation of any specialized agency was not included in the Charter, for it was thought that it would be misleading to mention one or two fields without mentioning others, and "that it would be better to leave the whole matter to the informed judgment of the General Assembly and the Economic and Social Council."³²

Brazilian Declaration on the Status of Women

The Brazilian Delegation placed the following declaration on the status of women before Committee II/3:

Whereas the status of women in different countries has to be radically improved and their rights have to be extended to attain the objectives of the Economic and Social Council to promote human rights and fundamental freedoms for all without distinction of sex;

and whereas the part that women have played in the war makes the consideration of their status and rights an urgent problem requiring the solution:

the DELEGATION OF BRAZIL RECOMMENDS THAT the Economic and Social Council should set up a special commission of women to study conditions, and prepare reports on the political, civil, and economic status and opportunities of women with special reference to discrimination and limitations placed upon them on account of their sex.³³

Dr. Bertha Lutz, one of the Brazilian representatives to Committee II/3, had attended several past International Conferences on the Status of Women. Speaking in support of the Brazilian declaration, she pointed out that

³²L. Goodrich and E. Hambro, op. cit., p. 207.

³³UNCIO Documents, Vol. VIII, pp. 96-97.

"there was nowhere in the world where women had complete equality with men."³⁴ Dr. Lutz also pointed out that the three aggressor nations of World War II -- Japan, Italy, and Germany -- were countries where the rights of women were particularly limited.³⁵

The delegate of the Dominican Republic spoke in favor of the Brazilian declaration, pointing out that the Inter-American Women's Committee established by the Sixth Inter-American Conference had been working along the lines called for in the Brazilian declaration. The Mexican delegate also spoke in favor of the Brazilian declaration, offering the following amendment (which proved acceptable to Brazil): "This Commission shall cooperate with similar official commissions in different parts of the world."³⁶

The United States Delegate stated that the position of women in his country was well established. Iran supported the Brazilian declaration, but felt that the proposed Commission should be composed of half women and half men. The Delegates of twenty-nine other governments represented on Committee II/3 voiced their support of the Brazilian declaration. Thanking them for their support, the Brazilian Delegation announced at the same time that it was of the

³⁴Ibid., Vol. X, p. 212.

³⁵Ibid.

³⁶Ibid., p. 213.

opinion that the purpose of the Commission would be best accomplished if it were composed entirely of women.³⁷

Brazil and American Solidarity

At all times during the San Francisco Conference the Brazilian Delegation identified itself as a member and supporter of the American regional system. It will be remembered that a rift developed between Brazil and the other American republics represented on the League of Nations, due to the preferred position accorded Brazil on the Council of the League.³⁸ However, Brazil claimed no such preference at San Francisco, but lauded the accomplishments and merits of the American nations as a regional group. The Brazilian Foreign Minister, Sr. Velloso, concluded his address to the closing plenary session of the San Francisco Conference on June 26, 1945, with the following words:

As a citizen of a nation of the American continent, I cannot end this brief address without mentioning the role all these nations have played in San Francisco. The Americas do not constitute a bloc. The Americas are much more than that; they constitute a way of life, a system with traditions and ideals peculiar to them, traditions going back more than sixty years, ideals of noble and rare degree. We are all firmly convinced that our inter-American system will be a stimulus to the wishes for peace of the rest of the world. From the days of our independence we have always fought for the establishment of a solid international morality based on justice and peace, and the truth is that this principle has today such deep roots that none can uproot it in this

³⁷Ibid.

³⁸See page 31 above.

hemisphere.

With such traditions and ideals, the contribution of the American nations could not fail to be of outstanding value.

They were supported in the fight for what they deemed indispensable to the existence of the continental system, which, as was shown by the war, is necessary for the peace and security of the world, by the great sister nation which welcomed us in this magnificent city and which is represented in this closing session by her eminent President, Mr. Harry S. Truman, and her illustrious Secretary of State, Mr. Edward Stettinius. The United States, a powerful manifestation of the new world represented by this continent, constitutes a moral force without parallel in this historic moment. The awareness of this fact on the part of her people and her leaders is not a whit inferior to the faith we repose in them.³⁹

Conclusion

The participation of the Brazilian Delegation at the San Francisco Conference was not spectacular. No Brazilian delegate created a deadlock between the large and small powers over the question of the "sovereign equality of states," as did Ruy Barbosa at The Hague in 1907;⁴⁰ nor did any Brazilian delegate distinguish himself by suggesting a compromise to avoid a deadlock as did Dr. Fernandes with the introduction of the Optional Clause in the discussions on the formation of a world court at the Versailles Peace Conference in 1920.⁴¹ At San Francisco the Brazilian

³⁹UNCIO Documents, Vol. 1, p. 672.

⁴⁰See Chapter II above.

⁴¹See page 22 above.

Delegation bowed to the will of the majority, "determined to cooperate in the establishment of the United Nations Organization."⁴²

Cooperation with the United States and the other Latin American republics, as well as the acceptance of big power predominance in world politics, were two of the main factors which characterized Brazilian participation at San Francisco. Brazil had reoriented her foreign policy during the twentieth century from one of extreme idealism to that of cooperation in a world of reality. She had withdrawn from the League of Nations in 1926 when denied a permanent seat on the Council with the big powers. In 1945 Brazil became a member of the United Nations with the knowledge that she would, at best, be accorded a non-permanent seat on the Security Council for a two-year period.

Brazil's major emphasis had changed from idealism and an uncompromising demand for a position of equality with the "humblest and the greatest of states" to that of a policy of "Good Neighbor" cooperation in her dealings with other nations, and a program of internal development through the adoption of a "nova diplomacia" approach to politics at home and abroad. These changes in Brazilian policy were

⁴²See page 153 above.

evidenced by the attitude and participation of the Brazilian Delegations at the conference of American States held at Mexico City and the San Francisco Conference on International Organization.

The Brazilian government ratified the Charter of the United Nations in accordance with its "constitutional processes,"⁴³ and Brazil was formally admitted to the United Nations Organization on September 21, 1945.⁴⁴

⁴³United Nations Charter, Chapter XIX, Article 110.

⁴⁴Yearbook of the United Nations -- 1946-47 (New York: Department of Public Information -- United Nations, 1947), p. 863.

APPENDIX I

PROPOSAL OF THE DELEGATION OF BRAZIL¹

Provisional Suggestions for use in the Discussion of the Composition of a Permanent Court

Considering that to fix at the outset upon an arbitrary number of judges for the Permanent Court of Arbitration, according to a certain idea assumed a priori as to the magnitude of this number, in order to attempt to accomodate to it thereafter the representation of all the States, is to reverse the necessary and inevitable terms of the question; considering that this inversion is the less justifiable when the precise number of States to be represented in the Court is known and a different number less than that is adopted for their representation;

Considering that by transposing in this manner the unalterable terms of the problem it is presumed arbitrarily to assign to the different States unequal representations in this international Court;

Considering that in the Convention for the pacific settlement of international disputes celebrated at The Hague, July 29, 1899, the signatory Powers, among which were all those of Europe as well as the United States of America, Mexico, China, and Japan, agreed that the contracting States, without regard to their importance, should all have an equal representation in the Permanent Court of Arbitration;

Considering that in the adoption of this basis they have not only performed a voluntary act but also admitted a principle which it was not possible for them to overlook in the composition of an international body created for the purpose of deciding the differences between independent and sovereign States;

Considering therefore that this principle, inevitable in every other organization of a like nature, with greater

¹James Brown Scott (ed.), The Proceedings of the Hague Peace Conferences (New York: Oxford University Press, 1921), Vol. II, Annex 83, pp. 1019-1023.

reason imposes itself in a manner especially imperative when the question is that of establishing the definitive institution in which States place their highest confidence for the judicial settlement of their disputes;

Considering, consequently, that in the projected Court the equality of all the signatory States cannot be passed over, which would be guarded by assigning to each the right to an entire and permanent representation in the body;

Considering that no Government could, even if it wished, renounce this right, which touches the sovereignty and consequently the independence of the States in their mutual relations;

Considering that this principle is not observed by permitting each State to appoint a member for the Court if he is to sit only for a certain number of years, scattered variously among the different States according to a scale of importance which has nothing to do with the subject and which, noticeably partial in favor of certain European countries, does not correspond to the obvious reality of the facts;

Considering that it is clearly sophistical to pretend that in this way the equality of States as sovereign units in public international law is satisfied, and that there is no attack upon this right by subjecting it to mere conditions of exercise;

Considering that a right equal among all those possessing it is not subjected to simple conditions of exercise when some are restricted to periods more or less limited while others have the privilege of a continuous exercise thereof;

Considering therefore that it is necessary to maintain, for the Court in question, the same rule of continuous equality of representation of States consecrated in the Convention of 1899;

Considering that if the States excluded from the First Peace Conference have been invited to the Second, it is not with a view to having them solemnly sign an act derogatory to their sovereignty by reducing them to a scale of classification which the more powerful nations would like to have recognized;

Considering that the interests of peace are not served by creating among States through a contractual stipulation

categories of sovereignty that humiliate some of the profit of others, by sapping the bases of the existence of all, and by proclaiming with a strange lack of logic the legal predonimance of might over right;

Considering that if the new Court is to be set upon such foundations it is better not to create it, the more so because for the pacific settlement of international disputes the nations have at their disposal the present Court as well as the right which this Conference recognizes in them, and which it could not deny them, to have recourse to other arbitrators;

Considering that with this right admitted there is no advantage in having two courts alongside of each other and equally considered as permanent;

Considering that if the capital difficulty complained of in the present Court is a lack of true permanence, it would be much more practical and useful to give it permanence by correcting this curable imperfection than to undertake this duplication of the arbitral Court;

Considering that it is not possible to reach such a desideratum by utilizing the elements of the present Court to submit it to a reform which gives it a different consistence and at the same time a real permanence;

Considering that in order to procure for it permanence it is by no means necessary that all its members reside at the seat of the Court, at whose plenary sessions a quorum should rather be very small, for example, a quarter of the whole number of judges appointed; by stipulating for this number of members, by rota, the duty of residing at any point in Europe whence they can arrive at The Hague in twenty-four hours when summoned;

Considering that on this basis we should decide on the number of fifteen judges or even less, it would be still preferable if the total number of judges were inferior to that of the number of signatory States;

Considering, in short, conformably to the rules accepted in the first Convention of 1899, that the signatory Powers should be recognized as having the power to come to an understanding for a common designation of one or more members, and besides, of permitting the representative

already appointed by one State to be chosen by others;

Considering, moreover, that the right of representation on the Court would be voluntary, like all rights in their exercise, that certain States probably would abstain therefrom, and that besides in order to exercise it, it would be necessary previously to offer secure pledges for the accomplishment of the duty of paying the expenses of the judge appointed;

Considering that in this way we might arrive, for the plenary sessions of the Court, at an actual body less numerous even than that resulting from the combination provided by the Anglo-German-American draft;

Considering that by this reduction in the ordinary quorum the functions of the Court would gain, not only in facility and dispatch, but also in completeness and efficiency, for in judicial bodies that are too numerous in their membership there is always a sad tendency among their members to rely upon one another, which fact results in reducing to a very small minority those who work, study, and do their duty with full information of the case;

Considering, furthermore, that even this quorum would only have to act in certain cases, when the interested parties required it, or when there might be certain difficulties to solve, for, in pursuance of the very essence of arbitration, whose character should not be denatured, it would be necessary to assure to the parties engaged in the dispute the right of electing from the number of the Court the judge or the judges to whom they agree to submit the settlement of their controversy;

The delegation of Brazil, in accordance with the most precise instructions of its Government, cannot acquiesce in the proposal under discussion, and permits itself to offer the following bases for the organization of another project:

I

For the constitution of the new Permanent Court of Arbitration each Power shall designate, under the conditions stipulated in the Convention of 1899, a person able to discharge worthily as a member of that institution the duties of arbitrator.

It shall also have the right to appoint a deputy.

Two or more Powers may agree upon the designation in common of their representatives on the Court.

The same person may be designated by different Powers.

The signatory Powers shall choose, so far as they can, their representatives in the new Court from those composing the existing Court.

II

When the new Court is organized the present Court shall cease to exist.

III

The persons appointed shall serve for nine years, and cannot be displaced save in cases where, according to the legislation of the respective country, permanent magistrates lose office.

IV

A Power may exercise its right of appointment only by engaging to pay the honorarium of the judge that it is to designate, and by making the deposit thereof every year in advance on the conditions fixed by the Convention.

V

In order that the Court may deliberate in plenary session, at least a quarter of the members appointed must be present.

In order to ensure this possibility the members appointed shall be divided into three groups according to the alphabetical order of the signatures to the Convention.

The judges included in each of these groups shall sit in rotation for three years, during which they shall be obliged to fix their residence at a point whence they can reach The Hague within twenty-four hours on telegraphic summons.

However, all members of the Court have the right, if they wish it, of sitting always in the plenary sessions, even though they do not belong to the group especially called to sit.

VI

The parties in dispute are free either to submit their controversy to the full Court or to choose from the Court, to settle their difference, the number of judges that they agree upon.

VII

The Court will be convened in plenary session when it has to pass judgment on disputes the settlement of which has been entrusted to it by the parties, or, in a matter submitted by them to a smaller number of arbitrators, when the latter appeal to the full Court for the purpose of settling a question arising among them during the trial of the case.

VIII

In order to complete the organization of the Court on these bases everything in the provisions of the draft of England, Germany, and the United States shall be adopted that is consistent therewith and seems proper to adopt.

APPENDIX II

DECLARATION OF THE BRAZILIAN GOVERNMENT ON CONTINENTAL WATERS¹

The sovereignty of the American Continent is founded on the inviolate bases of consultation, non-intervention, conciliation, arbitration, and above all, on the pacific sentiment of the American nations, who are enemies of war and friends of peace.

We do not have and we will not have anything to fear from each other in America; on the contrary, we have in each other, on land, sea and air, the assurance of security for each and all of the nations of America.

Continental security against overseas aggression must be obtained on sounder bases.

It is on the seas that surround us that lies the future fate of our sovereignties, because the protection of American soil will not be possible, as in the past, without the security of the surrounding seas.

The sea outside territorial waters, only three miles from our coast, from our cities and even from our capitals, not only is not ours, but in it we are at the mercy of any action contrary to the free and peaceful expansion of our sovereignty, or our continental relations and even of the maritime communications between ports of the same country.

To the defense of the continental territorial integrity, we must add, therefore, as an inseparable part of an American political whole, the security of continental waters.

The Meeting at Panama must request and receive from all the belligerents engaged in the war, in which no American Republic is involved, the assurance that the countries in conflict will abstain from any belligerent act or activity on the sea, within the limit of the waters adjacent to the

¹The International Conferences of American States, First Supplement, 1933-1940 (Washington: Carnegie Endowment for International Peace, 1940), pp. 336-337.

American Continent considered as being useful or of direct and primary interest to the American Republics.

We expect the belligerent nations, and those which in the future may take part in the present war, to observe and respect this Declaration which will be made in Panama as a complement of the Monroe Doctrine and of the Declarations of Buenos Aires and Lima.

We believe that the principle of continental waters will not affect the sovereignty of other nations, but rather that it will protect the sovereignty of the American countries and will favor the peaceful relations of all nations.

Our Continent, furthermore, has a right to reduce the effects of the war, by preventing its conflicts from being brought near our shores to perturb our tranquillity, threatening to compromise or complicate our neutral status.

Brazil does not make and never has made an issue of formulas and words, but the idea that it suggested with regard to continental waters will be defended by Brazil, because it considers the principle useful for its existence and that of the other Republics of America.

These are the bases of the Brazilian vote and of the attitude of its delegates to the meeting of Panama.

APPENDIX III

BRAZILIAN COMMENT ON DUMBARTON OAKS PROPOSALS
MEMORANDUM OF BRAZILIAN ACTING MINISTER FOR FOREIGN
AFFAIRS TO AMERICAN CHARGE d'AFFAIRES, NOVEMBER 4, 1944¹

The Acting Minister for Foreign Affairs has duly received the memorandum which the Charge d'Affaires ad interim, pursuant to instructions of his Government, submitted, under date of October 9th, for his consideration, containing the "proposals for the establishment of a general international organization", in the original English text, accompanied by an official Portuguese translation. In this memorandum the Charge d'Affaires of the United States of America communicated to the Acting Foreign Minister, the desire of his Government to consider any suggestions of the Brazilian Government with regard to the proposals referred to before the meeting of the international conference which will discuss them.

2. The Acting Minister of Foreign Affairs thanks the Charge d'Affaires of the United States of America for submitting that important document, as well as for the desires expressed by his Government to consider the Brazilian observations on the text, and sets forth herewith the opinions of the Brazilian Government in this regard.

3. The Brazilian Government, convinced of the compelling and urgent need for establishing a new international organization capable of effectively maintaining the peace and security of the world, and taking into consideration the serious difficulties to be overcome in such a complex undertaking, considers as satisfactory, under the present difficult circumstances, the project submitted to its consideration. It would be glad, however, if there were expressly set forth, in accordance with the high motives which inspires it, the possibility of perfecting the pact to be drawn up between the nations, so that all the members of the international organization taking part may come to have, in the near future, a greater participation in its decisions.

¹UNCIO Documents, Vol. III, Doc. 2 G/7(e), pp. 232-235.

4. It considers it essential that there be included among the principles of the organization to be set up the respect and maintenance, by all the members, against any external aggression and the territorial integrity and political independence of each one of them.

5. It seems desirable that the pact to be drawn up should make mention that when a controversy, under 4, 5 and 6 of Section A, Chapter VIII of the project, does not reach a solution by agreement between the parties, the Security Council should submit the question to the International Court of Justice, or to a Court of Arbitration to be organized in accordance with the methods foreseen in the Geneva Protocol of October 2, 1924, depending upon whether or not it deals with a conflict of a juridical nature, excepting, however, the questions dealt with in paragraph 7--questions which international law leaves to the exclusive competence of each state. It seems to it that the action of the Security Council should only make itself felt, in these cases, for that purpose, and to maintain and restore peace, or to assure the fulfillment of a judgment.

6. It is believed to be indispensable that decision should not be left to the interested party, during the course of a controversy in which peace is endangered, as to whether it should be included among those questions which international law leaves to the exclusive competence of the interested state (Paragraph 7, Section A. Chapter VIII), it being deemed advisable that, in each case, the classification of these questions be referred to the International Court of Justice at the request of one of the parties or of the Security Council. It is understood that, if the decision of the Court is affirmative, the Security Council should take measures, if necessary to prevent any disturbance of peace and international security, and that, if the Court should decide that the controversy is not of such a character, the Council should submit it to the processes prescribed in the pact to be drawn up, for the pacific solution of international conflicts.

7. It considers that a State convoked as a member ad hoc of the Security Council, Paragraphs 4 and 5, Section D, Chapter VI of the project, since it is involved in or party to a controversy submitted to that body, should have a voting status equal to that of titular members, it being believed

that the latter, under such conditions, should not have the right to vote.

8. It understands that the Security Council, the organization which is provided for in Section A of Chapter VI of the project, should consider the currents of opinion and interests of all the civilized world in order to provide rapid and comprehensive performance of its weighty duties, outstanding among which is primary responsibility for the maintenance of peace and international security, by delegation, according to the project (Section B, paragraph 1, Chapter VI) of all the members of the organization, in whose name it acts. It would seem, thus, that this body, with a view to the speed and efficaciousness of action required of it (Section B, paragraph 1) cannot do without the constant cooperation of South America, to which the granting of a permanent place in its midst is considered essential.

9. It is of the opinion that the questions of exclusively regional groups referred to in paragraphs 1, 2 and 3, section C, Chapter VIII of the project, should be resolved by them, the intervention of the Security Council in the solution of these questions only being justified when they endanger the peace of more than one regional group.

10. It suggests that in the editing of paragraph 4, Chapter II, it be made very clear that all members of the organization will abstain, in their international relations, from resorting to threats or to force, except in accordance with the methods and decisions of the organization.

11. It deems advisable that the reports of the Security Council submitted to Assembly, pursuant to Paragraph 8, Section B, Chapter V of the project, should be not only studied there but also placed under discussion.

12. It also seems equally desirable that the principle of publicity for treaties be set forth in the pact to be drawn up.

13. It also believes desirable that the Assembly of the Organization have as permanent headquarters, the same as those of the Security Council and the Secretariat, with the right to meet in another place if so decided.

14. It is believed useful that the organization adopt English and French as its official languages.

15. The Brazilian Government will give its opinion in due course on the remaining questions relative to the international organization, not taken up in the present memorandum, and which are not included in the present project, reserving its definitive views on such an important matter until it has for consideration the complete plan of the organization for peace and international security.

Rio de Janeiro, November 4, 1944.

APPENDIX IV

BRAZILIAN COMMENT ON DUMBARTON OAKS PROPOSALS SUBMITTED TO INTER-AMERICAN CONFERENCE ON PROBLEMS OF WAR AND PEACE¹

The Delegation of Brazil desires to emphasize, first of all, that from its point of view, the Dumbarton Oaks Proposals represent a great step forward with respect to the future organization of peace and they demonstrate the careful attention that has been given to the necessity of facilitating and consolidating future international relations. But the Delegations consider, furthermore, that in various points the Proposals are open to improvements which would tend to make them more effective.

Notwithstanding, the Delegation, taking a realistic attitude, recognizes that some of the main defects, which appear generally in the system formulated at Dumbarton Oaks, cannot be altered at the San Francisco Conference. Such defects will disappear only as time passes.

In any event, desiring to contribute in some measure to the improvement of those Proposals, of so great importance to the world, the Delegation of Brazil, without attempting in any way to replace them, indicates here some suggestions, some ideas, that might be used to advantage.

These ideas include not only those which the Brazilian Government brought directly to the attention of the Government of the United States, in reply to a communication of October, 1944, but also others which are now considered opportune.

CHAPTER II

In Chapter II of the draft, with reference to Principles, it appears that there could be included not only the principle of non-intervention, which has already been extensively recognized among the American nations (Conventions of Montevideo on the Rights and Duties of States; Protocol of

¹UNCIO Documents, Vol. III, Doc. 2 G/7 (e), pp. 236-242.

Buenos Aires relative to non-intervention; Declaration of Lima, 1938) and even in a certain manner accepted by the Assembly of the League of Nations (Resolution adopted by October 10, 1936) and also the principle of scrupulous respect for treaties, which constitutes one of the bases of international law.

Therefore, the Delegation of Brazil suggests that paragraph 2 of Chapter II be worded as follows:

"2. All members of the Organization pledge themselves to respect and scrupulously to comply with agreements and treaties to which they may be contracting parties, including obligations assumed in conformity with the present Charter."

And that paragraph 4 of the same chapter be worded thus:

"4. All members of the Organization shall refrain in their international relations from any intervention in the foreign or domestic affairs of any other member of the Organization, and from resorting to threats or use of force, if they are not in accord with the methods and decisions of the Organization. In the prohibition against intervention there shall be understood to be included any interference that threatens the national security of another member of the Organization, directly or indirectly threatens its territorial integrity, or involves the exercise of any excessively foreign influence on its destinies."

In view of what is said below, the Delegation of Brazil proposes likewise the elimination of the last paragraph of Chapter II.

CHAPTER III

The Delegation of Brazil considers that it would be desirable to adopt the principle of universality in the new international organization. This should fully represent the community of States in such manner that no State which enjoys its own independent life could either be excluded or exclude itself from that community.

As within the internal order every individual is subordinate to the jurisdiction of some State, so also within the

external order every State should be included in the International Organization.

Therefore the Delegation of Brazil suggests that Chapter III of the Proposals be replaced by the following:

"1. The International Organization shall be composed of all sovereign States that now exist or which in the future may exist under their own independent conditions of life.

"2. No State may be expelled from the Organization or voluntarily withdraw from it."

CHAPTER V

The functions and powers of the Assembly of the new Organization will be somewhat less than those of the Security Council, in accordance with the Dumbarton Oaks Proposals. It therefore might be desirable to strengthen the first of these two bodies, in which all Members of the Organization will be represented.

This, however, is one of the points wherein it might be difficult to change what was established at the Dumbarton Oaks Conference.

Therefore, the Delegation of Brazil limits itself to stating that, if the above indicated suggestion is accepted, relative to the universality of the new Organization, there should be eliminated in Section B of this Chapter, paragraph number 2 and the last paragraph of number 3, as well as the reference to expulsion contained in paragraph 2 of Section C, and the Delegation suggests the inclusion of a rule on the question of revision of treaties.

Without doubt this is a question of extreme gravity. Many times a State which is party to an international agreement of treaty considers itself authorized to denounce it unilaterally, alleging that the conditions which determined its formulation have ceased. This pretension is based on the supposition that all treaties are subordinate to a tacit condition of annulment or that they implicitly contain a rebus sic stantibus clause.

This doctrine is dangerous, but the absence of the possibility of revision of certain treaties can lead to disastrous, or at least unjust, consequences.

The Covenant of the League of Nations tried to solve the question, but in an inadequate manner. In fact, its Article 19 provided only that from time to time the Assembly might invite the members of the League to proceed to a new examination of the treaties which were found to be inapplicable, and to examine international situations whose continuation might compromise world peace. This stipulation became a dead letter, because the simple invitation of the Assembly, difficult in itself to achieve, had no compulsory force.

The Convention of Habana of 1928 on treaties anticipated the hypothesis of the denunciation of a permanent treaty and provided that if such denunciation did not obtain the assent of one or the other contracting parties, the case would be submitted to arbitral decision.

The Delegation of Brazil considers that an analogous rule should be established for the world plan with recourse not to an arbitral decision but rather to the permanent international court of justice and in accordance with a procedure adapted to the new international organization. It would treat only the so-called permanent or executory treaties, that is, those whose effects lie in the future, which are precisely those that give rise, at times, to serious difficulties.

The rule that the Delegation of Brazil suggests might figure as the last paragraph of Section B of Chapter V, is more or less as follows:

"At the request of any contracting party to an executory treaty, who alleges the total or partial caducity of the same, or the injustice of its continuation, the Assembly by a two-thirds majority shall invite one or the other contracting parties to come to agreement with the first for the revision or cancellation of such treaty. If any of the contracting parties are not in agreement with the said revision or cancellation, the other one or more contracting parties shall be authorized to resort to the permanent international court of justice, in order that the latter by judgment may decide if the treaty in question has lost all or part of its compulsory force because of the fact that the conditions determining its execution have changed or that the treaty itself has become unjustly onerous for one or the other of the parties."

CHAPTER VI

The composition of the Security Council is one of the points of the Dumbarton Oaks Proposals that has caused the greatest and the most justified criticism, and with great reason because the functions of such a Council will be those of an all-powerful executive body.

The opinion of Brazil, in agreement with several others, considers that, excepting perhaps during the period of transition between the end of the present war and a future phase of perfect world readjustment to new international conditions, the composition of the Council should respond to more democratic formulas and be truly based on the juridical equality of sovereign States, without losing from sight the fact that, in certain cases or situations, special rights could be conceded to some of the members of the international community.

Aware, however, of the difficulties of the moment, the Delegation does not attempt to suggest anything against the previous rule already established in favor of the permanence of the five great allied powers on the Security Council.

But if efforts are made to maintain the criterion of the permanence of some States on the aforementioned executive body, the Delegation of Brazil believes that it would be just to assign one of the permanent seats to Latin America.

If it is true that this criterion is based on the necessity of extending to the world organization facilities for providing efficient military assistance in the collective effort to preserve world peace and security, it appears that this argument should apply to Latin America, whose military, air, land, and naval bases in the present war and whose contributions on the battlefields have been of such great importance to the success of long-range war operations.

In any case, the Delegation of Brazil does not wish to insist upon this point, to which, at the proper time, its Government called the attention of the Government of the United States of America.

Thus, with regard to the present chapter, the Delegation of Brazil limits itself to: (a) manifesting a desire that in the definitive plan of the world organization, in

so far as it relates to voting procedure on the Security Council, the regulation be adopted that the State violating the obligations contained in the basic charter will not have the right to vote, when the matter to which the violation relates is to be resolved; (b) indicating the necessity that the following words be omitted from paragraph 5 of Section D, in the event that the principle of the universality of the new international organization is accepted: "and any State not a member of the Organization"; (c) suggesting an amplification of Section D, which would be called number 6 and would read as follows:

"6. In cases foreseen in the two preceding paragraphs (numbers 4 and 5), a member of the Organization allowed to participate in the discussion should in voting matters, have a position equal to that granted to members of the Council."

CHAPTER VII

Following upon suggestions relating to the universality of the system, the Delegation of Brazil points out that, in the event that such a suggestion is accepted, paragraph 5 of this Chapter should be eliminated.

CHAPTER VIII

The Delegation of Brazil believes that, in the cases referred to in Chapter VIII, Section A, paragraph 7, the qualification of questions that, by international law, are of the exclusive competence of a State should be referred to the permanent international court of justice in order to avoid all undue freedom in the matter. The Delegation therefore suggests that to Section A there be added a paragraph 8 as follows:

"If, in some controversy, one of the litigating States alleges that the controversial question falls solely within its domestic jurisdiction, it shall be the duty of the Permanent International Court of Justice to make a pronouncement on the matter at the request of one of the parties or of the Security Council. If the decision of the Court is in the affirmative, and the parties do not reach an agreement by means of diplomatic negotiation, the litigation shall be submitted to the procedure

of conciliation. If this method fails, the case should be decided by arbitration."

As regards Section C of the same Chapter, dealing with regional agreements, the Delegation of Brazil believes that it would be highly advisable to approve the proposal presented on the subject by the Conference and distributed to the Second Committee (Document Number 38, CI-PR-18).

Therefore, a paragraph reading more or less as follows should be inserted into Section C:

"The solution of questions of exclusive interest to an already organized regional group, as for example the inter-American group, should be left to the methods employed among the components of said group, so that the intervention of the Security Council will be justified only when such questions may endanger the peace of some other group of nations."

CHAPTER XI

The Delegation of Brazil desires that the procedure of amending the Charter of the new organization be less rigid than is established in this Chapter. To require that any amendment already adopted by two-thirds of the Assembly may not enter into force without having been ratified by all the permanent members of the Security Council and by the majority of the other members of the Organization makes any future modification of essential points difficult. The Delegation of Brazil suggests that the entrance into force of any amendment should depend upon ratification by two-thirds of the Assembly and two-thirds of the Council.

Accordingly, the end of the constitutional article of this Chapter should be written as follows:

and ratified in accordance with their respective constitutional processes by two-thirds of the countries represented on the Security Council and by two-thirds of all the members of the Organization."

APPENDIX V

AMENDMENTS TO DUMBARTON OAKS PROPOSALS
SUBMITTED BY THE BRAZILIAN DELEGATION

No. 1

The Brazilian Delegation submits the following amendment to Chapter I - Purposes - paragraph 1, of the Dumbarton Oaks Proposals (page 1, lines 3 to 4, of Doc. 1 G/1):

To proscribe war as an instrument of national policy;
to maintain international peace and security and to
that end to take effective collective measures . . .
etc.

No. 2

The Brazilian Delegation submits the following amendment to Chapter I - Purposes - paragraph 2, of the Dumbarton Oaks Proposals (page 1, lines 10 to 12, of Doc. 1 G/1):

To develop friendly relations among nations; to
take other appropriate measures to strengthen
universal peace and to define matters which
constitute the domain of international law, i.e.,
those which transcend the domestic competence
of the states; within the limits of such defini-
tion, to vote the secondary laws or laws pertaining
to application.

No. 3

The Brazilian Delegation submits the following amendment to Chapter II - Principles - paragraph 2, of the Dumbarton Oaks Proposals (page 2, lines 7 to 10, of Doc. 1 G/1):

All members of the Organization undertake, in
order to insure to all of them the right and
benefits resulting from membership in the Organ-
ization, to respect and carry out scrupulously
the treaties and agreements to which they are

¹UNCIO Documents, Vol. III, Doc. 2, G/7(e) (1) (3)
(4), pp. 243-244, 249-253.

parties and to fulfil the obligations assumed by them in accordance with the Charter.

No. 4

The Brazilian Delegation submits the following amendment to Chapter V - The General Assembly - Section B, paragraph 8, of the Dumbarton Oaks Proposals (page 6, line 3, of Doc. 1 G/1):

The General Assembly should receive and discuss
. . . etc.

No. 5

The Brazilian Delegation submits the following amendment to Chapter IX, Arrangements for International Economic and Social Cooperation, Section A, Purposes and Relationships, paragraph 1, of the Dumbarton Oaks Proposals (page 18, line 14, of Doc. 1, G/1):

economic, social, health and other
humanitarian problems. . . etc.

No. 6

The Brazilian Delegation submits the following amendment to Chapter IX, Arrangements for International Economic and Social Cooperation, Section D, Organization and Procedure, paragraph 1, of the Dumbarton Oaks Proposals (page 20, line 16, of Doc. 1, G/1):

a social commission, a health commission
and other such commissions . . . etc.

No. 7

The Brazilian Delegation submits the following amendment to the Dumbarton Oaks Proposals:

Substitution of Chapter XI (page 21, line 23, and page 22, lines 1 to 6, of Doc. 1, G/1) by the following:

Chapter XI Revision of the Charter

The General Assembly shall meet every five years, as counting from the date of the first formal meeting of the Organization, either prior to or simultaneously with the annual session, with the object of revising the Charter, decisions that may be taken in such extraordinary sessions being by a majority of two-thirds of the votes.

JUSTIFICATION

The procedure for amendment of the Charter provided for under Chapter XI of the Dumbarton Oaks Proposals renders it almost impossible to carry through an amendment since ratification by the five members having permanent seats on the Security Council and by the majority of the other members of the Organization is required, besides a majority of two-thirds of the votes of the General Assembly. The periodic revision would not necessarily imply in modifications of the Charter at each five-year period and would relieve four out of five annual assemblies of the agitation attendant upon the presentation of amendments. Furthermore, the adoption of such revision would allay the discontent existing among the various delegations which consider the powers delegated to the permanent members of the Security Council as being excessive.

No. 8

The Brazilian Delegation submits the following addition to Chapter XII, Transitional Arrangements, of the Dumbarton Oaks Proposals:

Each government member of the Organization be entitled to designate a representative to form an interim commission to study and to make recommendation regarding the establishment of an International Health Organization.

The interim commission shall be installed in a city to be designated by the Presidents of the Conference not later than two months after such designation.

The interim commission in preparing the plan for the permanent health organization shall give

full consideration to the relation of the permanent organization and to methods of associating it with other institutions, national as well as international, which already exist or which may hereafter be established in the field of health.

The interim commission shall report as soon as possible the results of its studies to the General Assembly through the Economic and Social Council.

No. 9

The Brazilian Delegation submits the following amendment to the Dumbarton Oaks Proposals:

Inclusion under Chapter II, Principles, at any appropriate point, of the following paragraph:

All members of the Organization shall endeavour to practice the policy of the Good Neighbour.

JUSTIFICATION

This simple, sane and profoundly moral doctrine should lead to the elimination of violence and war as instruments of international policy. The lessons of the present conflict are the most fitting illustration of its significance.

The adoption of this principle by the Conference would be a worthy tribute to the memory of the great internationalist who propounded it.

No. 14

The Brazilian Delegation submits the following amendment to the Dumbarton Oaks Proposals:

Modify the title of Chapter IX to Arrangements for International Economic, Social, and Cultural Cooperation, and add the following paragraph to the end of said chapter:

With a view to preserving, increasing, and disseminating the common cultural heritage of mankind, the Organization should promote the development of science and of art, the spread of knowledge and the

use of the powerful methods of communication now available for education towards a more peaceful and happier way of life. Responsibility for the discharge of these functions should be vested in the General Assembly and under the authority of the General Assembly in a Council of Cultural Relations. This Council should be organized on the same general lines provided for the Economic and Social Council.

JUSTIFICATION

Culture should not be a privilege but the common heritage of all. The misuse of the instruments provided by science is a source of danger and of unrest. The perversion of youth in the aggressor countries provides a startling example of the need for education in peaceful ways of living. The cultural institutions of countries devastated by war must be rebuilt and restored.

No. 15

The Brazilian Delegation submits the following amendment to Chapter II, Principles, paragraph 4, of the Dumbarton Oaks Proposals (page 2, lines 15 to 16, of Doc. 1 G/1):

. . . from the threat or use of force and from the threat or use of economic measures in any manner inconsistent . . . etc.

No. 16

The Brazilian Delegation submits the following amendment to Chapter IX, Arrangements for International Economic and Social Cooperation, Section A, Purpose and Relationship, paragraph 2, of the Dumbarton Oaks Proposals (page 19, line 3, of Doc. 1 G/1):

. . . to approval by the General Assembly. On all questions of an economic, social, or humanitarian nature for which such aforementioned specialized economic, social, and other organizations are responsible, the Organization shall take cognizance through the intermediary of and after consideration by the Economic and Social Council.

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